

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.2986 of 2024 AND
C.M.P.No.22424 of 2024

VI.Spl 149, Thiruvathipuram Primary
 Agricultural Cooperative Credit Society Ltd.,
 Rep. by its Administrator, Thiruvathipuram,
 Cheyyar Taluk, Tiruvannamalai District.

... Appellant

-VS-

1. K.Anbazhagan
2. The Joint Registrar of Co-operative
 Societies and Regional Authority,
 Tiruvannamalai Region,
 Tiruvannamalai District.

... Respondents

Prayer: To allow the writ appeal and set aside the order dated
 22.11.2023 passed in W.P.No.27257 of 2010.

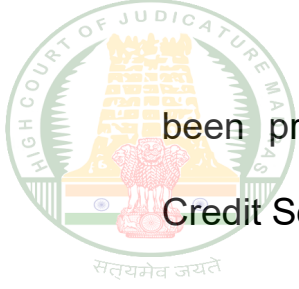
For Appellant: Mr.M.S.Palaniswamy

For Respondents: Ms.C.S.Sreenedhi for R1

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Writ Order dated 22.11.2023 passed in W.P.No.27257 of
 2010 is under challenge in the present Intra Court Appeal. Appeal has



been preferred by Thiruvathipuram Primary Agricultural Cooperative Credit Society Ltd.

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2. The 1st respondent was engaged as Clerk on 04.11.1996.

He was terminated from service on 23.09.2002 mainly on the ground that there was no cadre strength in the Society and appointment has not made in accordance with Rules applicable to Society. Revision Petition under Section 153 of Tamil Nadu Co-operative Societies Act, 1983 and the said Revision Petition was returned on the ground that Revision Petition was filed beyond the period of limitation.

3. Aggrieved by the said rejection, W.P.No.11564 of 2008 was filed by the 1st respondent and an order was passed, directing Joint Registrar of Co-operative Societies to consider the revision petition afresh without reference to the delay and decide on merits. Accordingly, competent Revisional Authority, after affording opportunity to the 1st respondent, adjudicated Revision Petition and dismissed the same vide proceedings dated 18.09.2010. Challenging the order passed in the Revision Petition, W.P.No.27257 of 2010 was filed. The said Writ Petition was allowed by an order dated 22.11.2023, directing Appellant Co-operative Society to reinstate the 1st respondent along with 50% of backwages. Challenging the order of Writ Court, the present Writ Appeal came to be filed.



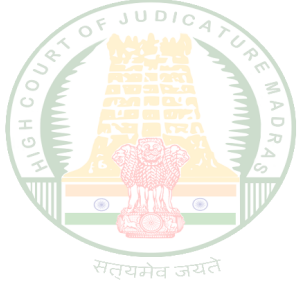
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4. Issues regarding irregular and illegal appointments in Co-operative Societies across State of Tamil Nadu are no more *res integra*.

A batch of Writ Petitions numbering thousands had been filed before this Court and a Division Bench of this Court in the case of **L.Justin vs. Registrar of Cooperative Societies**¹, ruled that irregular and illegal appointments made without resorting to procedures as contemplated under Rule 149 of the Tamil Nadu Societies Rules, cannot be sustained. A direction was issued to scrutinize details regarding appointments of employees in the Co-operative Society and if appointments are otherwise made in accordance with Rules, services of those employees are to be regularised and in respect of irregular and illegal appointments, termination orders issued were upheld by a Division Bench of this Court and the said judgment was affirmed by Hon'ble Supreme Court of India in the case of **A.Uma Rani vs. Registrar, Co-operative Societies**². Therefore, the said judgment became final and facts of this case would fall under the same category of irregular appointments made in Co-operative Society. Any different view taken by Writ Court other than that of decision of Division Bench, as confirmed by Hon'ble Supreme Court would not be in consonance with the ratio laid down by Division Bench and Apex Court.

¹2002 (4) CTC 385

² 2004 (7) SCC 112



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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5. In view of the above factual and legal position, this Court is of the view that findings of Writ Court are running counter to the judgment of Division Bench in **L.Justin vs. Registrar of Cooperative Societies** (supra) as confirmed by Hon'ble Supreme Court in **A.Uma Rani vs. Registrar, Co-operative Societies** (supra) and therefore, cannot be sustained.

Consequently, the present Writ Appeal is allowed. The impugned order of Writ Court dated 22.11.2023 passed in W.P.No.27257 of 2010 is set aside. No costs. Connected Miscellaneous Petition is closed.

(S.M.S.,J.) (N.S.,J.)
28-07-2026

Index: Yes/No
 Speaking/Non-speaking order
 Neutral Citation: Yes/No
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To:

The Joint Registrar of Co-operative Societies
 and Regional Authority,
 Tiruvannamalai Region,
 Tiruvannamalai District.

W.A.No.2986 of 2024