

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6008 of 2019

K.Saravanan

...Petitioner

vs

1.The Commissioner,  
Milk Production Diary Development  
Department, Nandhanam,  
Chennai.

2.The Deputy Registrar,  
(Milk Development)  
Thiruvannamalai.

3.The Deputy Registrar,  
(Milk Development)  
Arani Milk Producers Cooperative Ltd.,  
Arani, Thiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondents to promote the petitioner as per the proceedings vide Na.Ka.No.1069/2018/E(3) dated 03.08.2018 by 2<sup>nd</sup> respondent.

For Petitioner : Mr.S.Paul Gnanamuthu

For Respondents : Mr.A.N.Thambidurai  
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to promote the petitioner as per the proceedings vide Na.Ka.No.1069/2018/E(3) dated 03.08.2018 by 2<sup>nd</sup> respondent.

2.The proceedings of the 2<sup>nd</sup> respondent was issued by the President of the Milk Producer's Cooperative Society. A Cooperative Society, registered under the provisions of the

Tamil Nadu Co-operative Societies Act is not a "State" within the meaning of Article 12 of the Constitution of India. This apart, the 1<sup>st</sup> respondent is the functional Registrar as per the Notification issued by the Government under the provisions of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner has to exhaust the remedies available under the Tamil Nadu Co-operative Societies Act, more specifically, under Section 153 of the said Act provides revision and the petitioner is at liberty to approach the competent authority by filing a revision petition in a prescribed format and paying the required fees. However, the relief as such sought for in the present writ petition to grant promotion to the writ petitioner cannot be granted.

3. Promotion per se cannot be claimed as a matter of right. However, consideration for promotion is a right of an employee. Whenever a junior is promoted or the Rules of promotion are valid, an employee is entitled to adjudicate the issue in relation to promotion for the purpose of redressing his grievances.

4. This being the principles to be followed, the writ petitioner is at liberty to approach the competent authorities under the Tamil Nadu Cooperative Societies Act for redressing his grievances. Thus, the writ petition cannot be entertained in view of the judgment of the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,  
Milk Production Diary Development  
Department, Nandhanam,  
Chennai.

2.The Deputy Registrar,  
(Milk Development)  
Thiruvannamalai.

3.The Deputy Registrar,  
(Milk Development)  
Arani Milk Producers Cooperative Ltd.,  
Arani, Thiruvannamalai District.

+1cc to M/S.S.Paul Gnanamuthu, Advocate Sr.19936  
+1cc to M/S.L.P.Shanmugasundaram, Advocate Sr.19822  
+1cc to the Government Pleader Sr.20936

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