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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ  
W.P.NO.17380 OF 2012  
AND M.P.NO.2 OF 2012  
AND WMP NOS.22336 TO 22341 OF 2018

D.Eswaran

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies  
Coimbatore Division  
Coimbatore.
- 2.The Deputy Registrar of Co-operative Societies  
No.11-A, Market Road,  
Pollachi.
- 3.The Special Officer  
K.141, Malaiyandipattinam Primary Agricultural  
Co-operative Credit Society  
Malaiyandipattinam Post,  
Pollachi.
- 4.S.Manonmani
- 5.The President  
K.141, Malaiyandipattinam Primary Agricultural  
Co-operative Credit Society  
Malaiyandipattinam Post,  
Pollachi.
- 6.The Joint Registrar  
Co-operative Societies  
Coimbatore Region  
Coimbatore - 2.
- 7.M.S.Thirumalaisamy  
President  
K.141, Malaiyandipattinam Primary Agricultural  
Co-operative Credit Society  
Malaiyandipattinam Post, Pollachi.  
(R5 to R7 are impleaded as per order dated  
05.10.2016 in WMP Nos.26969 to 26971 of 2016  
in W.P.No.17380 of 2012) ... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the order of the first respondent made in Revision Petition No.9704/11/Ve2 dated 16.02.2012 confirming the order of the third respondent dated 07.10.2011 and the proceedings of the second respondent in Na.Ka.No.685/2009 VeSeS1 dated 17.09.2011 and quash the same.

For Petitioner : Mr.K.S.Govindaprasad  
For Respondents: Mr.L.P.Shanmugasundaram  
1, 2 and 6 Special Government Pleader  
For Respondents  
3 and 5 : Mr.M.S.Palanisamy  
For Respondent4: Dr.C.Ravichandran

#### O R D E R

The petitioner was appointed as Salesman in the Fair Price Shop under the control of Pollachi Cooperative Marketing Society, on 22.04.1991 through Employment Exchange and by regular selection method. Thereafter, he was promoted to the post of Senior Clerk in-charge on 03.03.2006. When proceedings were sent by the Board of Society to the Deputy Registrar, it was replied that the promotion of the staff of the Society is an internal matter and the same can be decided by the Society itself. Thereafter, by way of a resolution passed by the Board, the petitioner was promoted to the post of Senior Clerk with effect from 17.04.2007. The fourth respondent was appointed as an Assistant on daily wages basis with effect from 09.06.1997. Pursuant to the orders passed by this Court, all irregular appointments on daily wage basis were regularised by the Joint Registrar of Cooperative Societies by an order dated 05.01.2007. The fourth respondent got regularised with effect from 12.03.2001 in the post of Assistant. Thereafter, it appears that the fourth respondent made a representation on 12.08.2011 to the second respondent herein against the promotion of the petitioner claiming that she should be treated as Senior. The second respondent, by order dated 17.09.2011, set aside the promotion granted to the petitioner by the elected Board of the Society. Against which, the petitioner preferred a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 (Shortly "the Act") before the first respondent Joint Registrar of Societies. By an order dated 16.02.2012, the first respondent rejected the revision preferred by the petitioner. Aggrieved over the same, the petitioner is before this Court.

2. At the time of admission, this Court has granted an order of status quo and with the strength of the same, the



3. As to who is senior in the post of Assistant among the writ petitioner and the fourth respondent and whether that order of the first respondent is correct and justified has to be decided in this writ petition.

5. The learned counsel for the petitioner as well as the learned counsel for the fourth respondent would concur with the submission of the third respondent that the order passed by the first respondent is a non-speaking order and without following the procedure laid down under Section 153 of the Act.

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7. In view of the above observation, I have no hesitation to set aside the impugned order passed by the first respondent. Accordingly, the impugned order dated 16.02.2012 passed in Revision Petition No.9704/11/Ve2 by the first respondent is set aside and the matter is remitted back for fresh consideration in conformity with Section 153 of the Act, to the Joint Registrar of Cooperative Societies, Thiruppur Region, Thiruppur. It is made clear that the Authority shall frame points for consideration after giving opportunity of personal hearing to all the parties and pass order answering all the points with reasons, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Liberty is given to the parties to raise all their submissions before the Authority by raising additional grounds.

8. The Writ Petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint Registrar of Co-operative Societies  
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Coimbatore.
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- 4.The President  
K.141, Malaiyandipattinam Primary Agricultural  
Co-operative Credit Society  
Malaiyandipattinam Post, Pollachi.



5.The Joint Registrar  
Co-operative Societies  
Coimbatore Region  
Coimbatore - 2.

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+1 Cc to Mr.K.S.Govindaprasad,advocate,sr.15270

+1 cc to Spl.Govt.Pleader,sr.15647

+1 cc to Mr.MS.Palanisamy, Advocate,sr.16152

+1 cc to Dr.C.Ravichandran, Advocate,Sr.15568

nr(co)  
krd 8/7

W.P.NO.17380 OF 2012