

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.20012 of 2022

and

W.M.P.(MD).Nos.14563 and 14565 of 2022

G.G.Selin

... Petitioner

Vs.

1.The Registrar of Cooperative Societies,
No.170, EVR Highway,
Kilpauk,
Chennai -10.

2.The Joint Registrar
Co-operative Societies,
Nagercoil,
Kanyakumari District.

3.The Deputy Registrar
Cooperative Societies
Thuckalai,
Kanyakumari District.

4.The President,
1529, Idaicode Primary Agricultural
Cooperative Credit Society Limited,
Idaicode,
Kanyakumari District.

5.Karthikeyan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the order passed by the second respondent in his proceedings in Na.Ka.No. 2480/2022/ThoVeSa, dated 27.04.2022 and quash the same as illegal.

For Petitioner	:	Mr.T.A.Ebenezer
For R-1 to R-3	:	Mr.P.Thilak Kumar, Government Pleader, assisted by Mr.M.Ramesh, Government Advocate.
For R-4	:	Mr.Jerin Mathew

ORDER

The petitioner herein, who is appointed as a Clerk in the fourth respondent Society, challenges the order of transfer made by the second respondent herein, transferring the fifth respondent to the fourth respondent Society.

2. According to the learned counsel for the petitioner, the Board has passed a resolution on 20.12.2018, promoting the petitioner to the post of Secretary. The grounds raised in the present Writ Petition touches upon the allegations that since the fourth respondent Society is running in a loss, the transfer of the fifth respondent herein would cause prejudice to the Society.

3. The post of Secretary falls under common cadre services and is governed by the provisions of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019 (CCS Rules). Under Rule 7 of the CCS Rules, the post of a common cadre employee shall be filled up by promotion from the feeder post, which is immediately below the post of a Secretary, in the respective class of Primary Agricultural Co-operative Credit Societies. While Rule 2(g) of the CCS Rules provides that all the Secretaries of the Primary Agricultural Co-operative Credit Societies are deemed to be common cadre employees, Rule 8 to 11 provides for the service benefits to such common cadre employees.

4. The petitioner herein now claims to have been promoted as a Secretary through the resolution passed by the fourth respondent Society on 20.12.2018. A mere resolution to promote an employee of the Co-operative Society will not amount to a promotion, unless and until, such a resolution culminates into an order of promotion and that too, with the ratification of the authorities of the Co-operative Societies Department of the Government. Admittedly, no such orders of promotion have been passed either by the Society or by the Co-operative Societies Department of the Government. Consequently, the

petitioner is deemed to be Clerk of the society. If that be so, she may not have the locus to challenge the order of transfer made by the second respondent herein, transferring the fifth respondent to the fourth respondent Society, on the ground that the affairs of the society would be affected. If at all the petitioner is of the view that she is entitled to be promoted to the post of Secretary, it is always open to her to work out her remedies, seeking for regularization of her present post and for the consequential promotion.

5. Thus, since the petitioner herein cannot maintain the present Writ Petition on the ground of locus, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

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M.S.RAMESH, J.

Lm

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