



W.P(MD)Nos.16559 to 16561 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.16559 to 16561 of 2023

and

W.M.P(MD)Nos.13834 to 13836,15061,15064 15065 of 2013

K.Thiyagarajan ... Petitioner
(In W.P(MD)No.16559/2023)

S.Murugan ... Petitioner
(In W.P(MD)No.16560/2023)

K.Pothumpandi ... Petitioner
(In W.P(MD)No.16561/2023)

Vs.

1.The Regional Joint Registrar of
Co-operative Societies,
Sivagangai Region,
Collectorate Complex,
Sivagangai.

2.The Circle Deputy Registrar of Co-operative Societies,
Collectorate Complex,
Sivagangai District.

3.The Co-operative Sub Registrar/Administrator,
N.N.547, Thiruppuvanam Farmers Service
Co-operative Credit Society,
Thiruppuvanam Main Road,
Opposite to Thiruppuvanam Police Station,
Sivagangai District.

... Respondents
(In all cases)



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COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records pertaining to the impugned order made in Na.Ka.No.01/ 2022/U.Pa.Koo.Ka.Sa, dated 15.06.2023 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to pay the arrears of salary to the petitioner to the post of salesman from the date of 30.09.2022 and continue to pay the same.

For Petitioner : Mr.P.R.Prithivi Raj
(In all cases)

For Respondents : Mr.J.Ashok
Additional Government Pleader
(In all cases)

ORDER

The present writ petitions have been filed by 3 sales persons of the fair price shop run by the 3rd respondent Co-operative Society, challenging the order of demotion without notice or enquiry.

2. The writ petitioners were working as Packer/Weighter and were promoted as Salesman with effect from 30.09.2022. By the impugned order, the 3rd respondent had cancelled the order of promotion on the ground that the writ petitioners are not having educational qualification



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for being promoted to the post of Salesman on the date when they were promoted.

3. This impugned order is challenged in the present writ petitions citing the orders of the Registrar of Co-operative Societies, dated 29.12.2022. In the said order, the Registrar of Co-operative Society had directed all the Societies to amend their special by-laws to the effect that “Notwithstanding the educational qualification prescribed in these special by-laws for the post of Fair Price Shop Salesman, any person holding the post of Packer in a Fair Price shop, having the educational qualification of 10th pass and having minimum period of three years of satisfactory service shall be eligible for promotion to the post of Fair Price Shop Salesman.

This special by-law shall take with retrospective effect from 29.12.2022.”

4. The learned counsel appearing for the writ petitioners relying upon the said order contends that for a Packer to be promoted as a Salesman, a pass in 10th standard and 3 years of satisfactory service is enough. He further points out that as per the orders of the Registrar, the



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special by-laws shall take effect from 29.12.2022 onwards. Hence, the demotion on the ground that they were not having educational qualification is not sustainable.

5. Per contra, the learned Additional Government Pleader appearing for the Society had pointed out that unless the special by-law of the concerned Society is amended, the educational qualification for being appointed as Salesman in a Fair Price Shop continues to be a pass in twelfth standard. The writ petitioners are not having the said qualification on the date of their promotion. Hence, they were rightly demoted under the impugned order.

6. Considering the fact that the order of demotion has been passed without any notice and without considering the order of the Registrar, dated 29.12.2022, this Court is inclined to allow the writ petitions and remit the same back to the 3rd respondent herein for passing fresh orders, after giving due opportunity to the writ petitioners taking into consideration the order of the Registrar, dated 29.12.2022.



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7. With the said observations, these Writ petitions stand allowed to

the extent as stated above. No costs. Consequently, connected

Miscellaneous Petitions are closed.

05.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)Nos.16559 to 16561 of 2023

Dated:
05.10.2023