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W.P.No.2346 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2346 of 2020
and W.M.P.Nos.2736 and 2738 of 2020

1. K.Mahindiran
 2. V.Premalatha
- ... Petitioners

Vs

1. The Joint Registrar,
Cooperative Societies,
Thiruppur Division,
Thiruppur, Thiruppur District.
2. The Deputy Registrar,
Cooperative Societies,
Thiruppur Division,
Thiruppur, Thiruppur District.
3. The President,
K.2046, Palangarai Primary Agricultural
Credit Society Ltd,
Avinashilingampalayam, Palangarai,
Avinashi, Thiruppur District.



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4. E.Zinna
Junior Assistant,
K.2046, Palangarai Primary Agricultural
Credit Society Ltd,
Avinashilingampalayam, Palangarai,
Avinashi, Thiruppur District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the proceedings in Na.Ka.No.5334/2019/Va-1 dated 14.10.2019 issued by the 1st respondent and quash the same.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.Murali,
1 and 2 Government Advocate

For Respondent-3 : Mr.R.Balaramesh

For Respondent-4 : Mr.S.Rajiv Gandhi

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 14.10.2019 thereby promoting the 4th respondent from the post of Salesman to the post of Clerk.



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2. The first petitioner was appointed as a packer in the 3rd respondent-Society on 20.03.2000. The second respondent was appointed as a Junior Clerk in the 3rd respondent-Society on 30.06.1999. Due to closure of Thulugamuthur Primary Agricultural Credit Society Limited, it was merged with the 3rd respondent-Society. One of the employees, E.Zinna/4th respondent herein sent a letter to the Special Officer of the Thulugamuthur Primary Agricultural Credit Society Limited, requesting to be relieved from the said Society and to join the 3rd respondent-Society for the post of Salesman. Accordingly, he was relieved and joined in the 3rd respondent-Society as a Salesman. Subsequently, the 4th respondent requested a promotion from the post of Salesman to Grade-I-Bill Clerk. However, the said request was rejected.

3. In the meanwhile, in the year 2016, a vacancy arose for the post of Salesman in another Society called Alathur Primary



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Agricultural Credit Society. For the said post, the 4th respondent applied for and obtained a transfer as Salesman in that Society. Accordingly, the 3rd respondent Society passed a resolution and the 4th respondent was posted as Salesman in the Alathur Primary Agricultural Credit Society. Thereafter, the 4th respondent was promoted to the post of Clerk. As per the earlier proceedings, the 4th respondent's request for promotion to the post of Clerk was rejected. However, despite this, the 4th respondent was promoted. The petitioners are now claiming seniority over the 4th respondent.

4. Heard the learned counsel for the petitioner and the learned counsel for respondents.

5. On perusal of the counter filed by the 2nd respondent and the submissions made by the respondents, it is seen that the first petitioner was appointed as a packer on 20.03.2020 and the second petitioner was appointed as a Junior Clerk on 30.06.1999 in the 3rd



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respondent Society. As far as the 4th respondent is concerned, he was employed as a Junior Assistant in the 3rd respondent Society. Rule 149 of the Tamil Nadu Cooperative Societies Rules mandates the necessary education qualification, age limit training in cooperation, cadre of strength, the mode of recruitment etc for the appointment of each and every category of post in the Cooperative Societies. That apart, the recruitments shall be made only through the employment exchange. Any appointments made in violation of the above conditions are to be held as irregular appointments. The first petitioner was not appointed in the sanctioned cadre strength. In fact, there was no post of packer in the 3rd respondent Society. He was not recruited through the employment exchange. As far as the 2nd petitioner is concerned, she did not possess the necessary education qualifications for the post of junior clerk. Further, she was not recruited through the employment exchange and she did not complete the cooperative training course within the stipulated period of 3 years from the date of her joining. Besides, there was no cadre strength for



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the post of Junior Clerk for the 3rd respondent Society. Therefore, the appointments of the petitioners were held to be irregular and their services were not regularized. The appointment of the 4th respondent has been proper and her services were regularized. Accordingly, she became eligible for promotion and was promoted to the post of clerk. Hence, this Court finds no infirmity or illegality in the impugned order passed by the first respondent. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes

srn

To

1. The Chief Secretary,
Union of India, Puducherry.

2. The Secretary,
Director, Fisheries and Fisherman Welfare,
Puducherry.



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3. The Commissioner,
Oulgaret Municipality, Puducherry – 5

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G.K.ILANTHIRAIYAN, J.

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