



W.P.(MD)No.13255 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13255 of 2024 &
W.M.P.(MD)No.11728 of 2024

K.Muthumari

... Petitioner

vs.

- 1.The Joint Registrar,
Co-operative Societies,
Ramanathapuram,
Ramanathapuram District.
- 2.The Deputy Registrar,
Co-operative Societies,
Paramakudi Circle,
Ramanathapuram Circle.
- 3.The Sub Registrar / Special Officer,
Q1208, T.M.Kottai Primary Agricultural
Co-operative Credit Society,
T.M.Kottai,
T.M.Kottai Post,
Kadaladi Taluk,
Ramanathapuram District.
- 4.The President / Secretary,
Q1208, T.M.Kottai Primary Agricultural
Co-operative Credit Society,



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T.M.Kottai, T.M.Kottai Post,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the third respondent Number Nill dated 07.06.2024, quash the same as illegal and consequently direct the respondents to allow the petitioner to work in the post of Clerk in Q1208, T.M.Kottai Primary Agricultural Co-operative Credit Society, Kadaladi Taluk, Ramanathapuram District.

For Petitioner : Mr.M.K.Sachin Rahul
M/s.C.Arulvadivel Associates

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard Mr.M.K.Sachin Rahul, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus calling for the records of the order dated



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07.06.2024 passed by the third respondent, quash the same and consequently direct the respondents to allow her to work in the post of Clerk in Q1208, T.M.Kottai Primary Agricultural Co-operative Credit Society, Kadaladi Taluk, Ramanathapuram District.

3. The petitioner who has been initially appointed as a Saleswoman in Q1208, T.M.Kottai Primary Agricultural Co-operative Credit Society has been given with the promotion to the post of Clerk (Assistant cadre) on 30.09.2019. But, vide impugned order dated 07.06.2024, the third respondent has demoted the petitioner to the post of Saleswoman. Hence, the writ petition.

4. Mr.M.K.Sachin Rahul, learned counsel appearing for the petitioner submitted that the even without giving the petitioner an opportunity to submit explanation, she has been demoted to the post of Saleswoman. The impugned order states that the petitioner has been promoted directly from the post of Saleswoman to the post of Clerk in view of the resolution passed by the then Board of Members. The simple



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point that has been highlighted is that the petitioner who was working as a Saleswoman without touching the post of Junior Assistant in her career has been directly promoted to the post of Clerk and it is not legal. However, it is his submission that there is no post like Junior Assistant available in the aforementioned Co-operative Society; the other post available is Attender; and thereafter Clerk. Since the Attender post is also equivalent to that of Saleswoman, the petitioner has been promoted to the post of Clerk directly.

5. As per the Government Order in G.O.Ms.No.189, Co-operation, Food and Consumer Protection Department, dated 17.11.2009, the aforementioned Co-operative Society has the following number of sanctioned posts.

i. Secretary	-	1
ii. Clerk (Assistant)	-	1
iii. Junior Assistant	-	1
iv. Salesman	-	2



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6. As on the date when the resolution was passed, one post in the cadre of Assistant was vacant. As per the by laws of Service Conditions of the Employees of the Primary Agricultural Co-operative Credit Society Limited, to the post of Junior Assistant / Junior Clerk / Fertilizer Salesman, a person who is holding the post of Sub-staff / Night Watchman / Public Distribution Salesman can be considered for promotion; and to the post of Clerk / Typist / Jewel appraiser, a person who is holding the post of Junior Assistant / Junior Clerk / Fertilizer Salesman can be considered for promotion. According to the by laws, the appointing authority would be a member of the Society. Admittedly, the petitioner was a Public Distribution Saleswoman and not a Fertilizer Saleswoman. So, she can be considered for promotion to the category of Junior Assistant only and not Clerk. However, for the reasons best known to the then Board of Members, resolution has been passed to promote the petitioner to the post of Clerk (Assistant cadre). When the next Board of Management had assumed charge, the above lapse was found out and subsequently, the impugned order has been passed.



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7. The learned counsel appearing for the petitioner submitted that no notice has been issued to the to the petitioner prior to the passing of the impugned order and notice has been issued to her by getting her anti dated signature.

8. The fact remains that the petitioner was given with a prior notice. If the petitioner was coerced or compelled to put her signature with anti date, the course open to her is to lodge a criminal complaint. The petitioner who was promoted directly to the post of Clerk in complete violation of the by laws cannot claim over the post for which she was illegally promoted. The above action of de-promoting the petitioner had taken place due to the initiative taken by the then Junior Assistant who had lost his opportunity of getting promoted to the post of Assistant in view of the double promotion given to the petitioner.

9. Since the petitioner has been reverted to the post of Saleswoman, the respondents shall consider to promote the petitioner to the next level cadre of Junior Assistant after promoting the existing Junior



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Assistants to the post of Clerk, if they are found fit and pass orders in this regard within a period of four weeks from the date of receipt of a copy of this order.

10. With the above direction, the writ petition is **disposed of**.

No costs. Consequent, connected Miscellaneous Petition is closed.

21.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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