



W.P.(MD)No.17344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17344 of 2024

and

W.M.P.(MD)No.14910 of 2024

S.Chinnathambi

... Petitioner

VS.

- 1.The Registrar of Cooperative Societies,
Office of the Registrar of Cooperative Societies,
Poonamallee High Road,
Kilpauk, Chennai.
- 2.The Joint Registrar,
Pudukottai Region,
Pudukkottai District.
- 3.The Deputy Registrar,
Aranthangi Circle,
Aranthangi Taluk,
Pudukkottai District.
- 4.The Administrator,
M.M. 389, Vadagadu Primary Agricultural
Co-Operative Credit Society,



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Vadagadu,
Alagudi Taluk,
Pudukkottai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the 4th respondent dated 18.07.2024 and quash the same as illegal.

For Petitioner : Mr.R.VRI.Murugan

For Respondents : Mr.S.Kameshwaran

Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 4th respondent dated 18.07.2024 fixing the basic pay for a sum of Rs.17,180/- to the post of Salesman of the petitioner.

2. Heard Mr.R.VRI.Murugan, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for respondents.



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3. The petitioner was appointed as Sales Man, on 16.09.1993 and his services were regularised on 16.04.2007. After the service period of 20 years, the petitioner's promotion to the post of Attender was sent for approval on 28.02.2013 and the petitioner was recommended to the post of Clerk through proceedings dated 12.01.2016. While that being so, on 08.11.2018, the cadre strength of the fourth respondent society was increased such as (i) Secretary – 1 (ii) Assistant Secretary - 1 (iii) Senior Clerk – 1 (iv) Attender – 1 (v) Office Assistant – 1. Pursuant to the same, the petitioner ought to have been promoted to the post of Senior Clerk, which was also recommended by the Sub Registrar and the same was not implemented sofar. In this regard, the petitioner made several representations. However, the impugned reversion order has been passed by the fourth respondent. Challenging the same, this writ petition has been filed.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner has straight away filed this writ



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petition without exhausting the statutory remedy available to him by way of preferring an appeal. Further, in the impugned order, it is stated that one Raja has been working as Clerk and there is no vacancy in the post of Clerk and the petitioner could not be given promotion. Therefore, the petitioner's promotion has been cancelled and he was reverted back to the post of salesman. In the impugned order, the said Raja has been referred as Clerk instead of Senoir Clerk, for which cadre strength has been sanctioned for the fourth respondent society. Since the petitioner has been given with promotion to the post which was not in existence, it necessitated the fourth respondent to pass the impugned order of reverting the petitioner to the post of Salesman.

5. The learned counsel appearing for the petitioner submitted that the impugned order has been passed without even issuing any notice to him.

6. The learned Government Advocate appearing for the respondents submitted that a memorandum has been issued on



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30.04.2015, which was also referred to by the fourth respondent in the impugned order and pursuant to the same, the third respondent passed an order stating that the petitioner's promotion in the cadre of clerk cannot be regularized. The proposal sent by the society to the Sub Registrar got returned stating that the promotion was given in an irregular manner and that excess payments made to the petitioner should be recovered. However, the petitioner has not challenged the said order till date.

7. Whatever may be the case, before passing of the order of reversion, the petitioner ought to have been given with notice. In the case on hand, the petitioner has not been issued with any notice. Hence, the impugned order dated 18.07.2024 shall be considered as notice and the petitioner is at liberty to make a representation with regard to the relief sought for by the petitioner. On receipt of the said representation, the respondents are directed to consider and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of such representation.



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8. With the above direction, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC: Yes/No

Index : Yes/No

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R.N.MANJULA, J.

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