



W.P.(MD).No.21624 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21624 of 2024

and

W.M.P.(MD).No.18268 of 2024

L.Mannan

... Petitioner

-vs-

1.The Joint Registrar of Co-operatives,
Madurai Region,
Madurai.

2. The Circle Deputy Registrar of Co-operatives,
Madurai,
Madurai District.

3. The Administrator,
A-2494, Saraguvalayapatti Primary Agriculture Cooperative
Credit Society,
Saraguvalayapatti,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent dated 21.08.2024 and quash the same and consequently directing the respondents to disburse all retirement monetary benefits.

1/6



W.P.(MD).No.21624 of 2024

WEB COPY

For Petitioner

: Mr.C.Jeganathan

For Respondents

: Mr.D.Sasikumar

Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secretary of third respondent Cooperative Society, challenging an order passed by the administrator of the concerned society on 21.08.2024, wherein he had cancelled the promotion and demoted the petitioner.

2. It could be seen from the records that the petitioner was initially appointed as a attender in the year 1983, and later he was promoted as a Junior Assistant in the year 1991 and thereafter he was promoted as a Secretary of the Society on 01.04.1997. The petitioner had attained superannuation on 31.05.2024.

3. The Administrator of the society has addressed a communication to the Joint Registrar of Cooperative Societies on 27.05.2024, recommending that the petitioner may be permitted to retire. It is further stated that, as on today, no departmental proceedings are pending as against him. Neither



W.P.(MD).No.21624 of 2024

surcharge proceedings nor criminal proceedings are pending as against the writ petitioner. After recording the said statement, the Administrator of the Society has recommended to permit the petitioner to retire from service. However, so far the Joint Registrar has not passed any orders. The same administrator has passed the impugned order on 21.08.2024, wherein he had cancelled the promotion of the writ petitioner as a cashier and a secretary and he had demoted the petitioner as a salesman and thereafter permitted to retire with effect from 31.05.2024. This order is put to challenge in the present writ petition.

4. According to the learned Counsel appearing for the writ petitioner, after the petitioner has attained superannuation on 31.05.2024, the administrator or the Common Cadre Authority do not have any powers to initiate any disciplinary action or impose any punishment. He further contended that the petitioner being a member of common cadre services, the power to initiate disciplinary action is vested only with the common cadre authority and not with the administrator of the society.



W.P.(MD).No.21624 of 2024

WEB COPY

5. Per contra, the learned Additional Government Pleader appearing for the respondent herein relying upon the counter, had contended that the petitioner is not eligible to promotion and therefore the promotions that were granted to the writ petitioner have been rightly cancelled by the administrator of the concerned society. It is further contended that if at all the petitioner is aggrieved over the order passed by the administrator, he has to prefer a revision under Section 153 of Tamilnadu Cooperative Societies Act, 1983, having not filed any revision, the present writ petition is not maintainable.

6. I have carefully considered the submissions made on either side and perused the materials available on record.

7. The petitioner has been promoted as a Secretary with effect from 01.02.1997. Therefore, the petitioner becomes a member of the common cadre service, as per Tamilnadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019. In such circumstances, the common cadre authority constituted under the said rules alone is empowered to initiate any departmental action as against the writ petitioner. The Administrator of the Co-operative society is not empowered to initiate any



W.P.(MD).No.21624 of 2024

action as against the writ petitioner. That apart, the petitioner having attained superannuation on 31.05.2024, the common cadre service rules do not provide for continuation or initiation of disciplinary proceedings as against a common cadre employee. There is no power to retain the services of the writ petitioner. In such circumstances, the administrator of the cooperative society does not have any jurisdiction to pass such an order of demotion after the date of superannuation.

8. In view of the above said deliberations, the impugned order in this writ petition is set aside and the respondents are directed to disburse the monetary benefits to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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5/6



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W.P.(MD).No.21624 of 2024

R.VIJAYAKUMAR,J.

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To

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W.P(MD)No.21624 of 2024

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