



W.P. No.596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.596 of 2024
and
W.M.P. No.585 of 2024

B.Vairavel

Petitioner

Vs

1. The Deputy Registrar of
Cooperative Societies,
Salem Circle, Salem

2.S.1236 Valapadi Primary
Agricultural Cooperative Credit Society Ltd.,
Rep. by its Administrator,
Valapadi Post, Salem District.

3.R.Jayalakshmi,

(R3 impleaded as per Order dated 14.03.2025 in
W.M.P. No.35060 of 2024)

4. The Joint Registrar of Co-operative Societies,
Salem District.

(R4 Suo motu impleaded vide this order)

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records of the letter in Na.Ka. No.3829/ 2021 tho.ve.Sa dated 08.12.2023 on the file of 1st respondent and consequential order the 2nd respondent dated 05.01.2024 quash the same



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For petitioner : Mr.M.S. Palaniswamy
For respondents : Mr.M. Muthusamy for R1
Mr. Vadivelu Deenadayalan for R2
Mr.D. Bharathy for R3

ORDER

This writ petition has been filed to call for the records of the letter in Na.Ka. No.3829/ 2021 tho.ve.Sa dated 08.12.2023 on the file of 1st respondent and consequential order the 2nd respondent dated 05.01.2024 quash the same.

Brief facts:

2. The petitioner was initially appointed as a Packer in the 2nd respondent Society on 01.12.1998 on daily wage basis. Thereafter, he was promoted as Salesman with effect from 01.08.2012. Subsequently, he was promoted as Junior Clerk with effect from 01.03.2018 in the 2nd respondent Society and has been continuously working in the said post. While so, based on a letter issued by the 1st respondent dated 08.12.2023, the 2nd respondent Society passed an order dated 05.01.2024, cancelling the promotion given to him to the post of Junior Clerk and reverting him to the post of Salesman. It is the contention of the petitioner The said reversion order was passed without issuing any notice or conducting any enquiry. Aggrieved by the said order, he filed the present writ petition.



3. Learned counsel for the petitioner submitted that the petitioner was initially appointed as a Packer in the 2nd respondent Society in the year 1998 and thereafter promoted as Salesman and subsequently as Junior Clerk after due resolutions passed by the Society. He further contended that the petitioner was granted time scale of pay, initially and later promoted as Junior Clerk with effect from 01.03.2018 and has been continuously working in the said post. He vehemently argued that the impugned order cancelling the petitioner's promotion and reverting him to the post of Salesman was passed solely on the basis of the directions issued by the 1st respondent, who has no jurisdiction to interfere with the service conditions of the employees of a Co-operative Society. Further, he specifically contended that under G.O.(2D) No.108, Co-operation, Food and Consumer Protection Department, dated 31.08.2005, the authority competent to deal with service matters is only the Joint Registrar and not the 1st respondent.

4. He further submitted that the impugned order has been passed without issuing any notice to the petitioner and without conducting any enquiry and is therefore leads to gross violation of principles of natural justice. Further, placing reliance on the order of this Court in W.P.No.17294 of 2022 dated 07.07.2023, he pointed out that by following the earlier decision in W.P. No.2628 of 2015, wherein similar orders passed by the Deputy Registrar were set aside on the ground of lack of jurisdiction. Hence, he submitted that the impugned orders,



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dated 08.12.2023 and 05.01.2024 are passed arbitrarily, without jurisdiction and the same are liable to be quashed. On the aforesaid score, he prayed for allowing of this writ petition.

5. Learned counsel appearing for the 2nd respondent Society submitted that the petitioner was originally appointed on daily wages pay in contravention of the Tamil Nadu Co-operative Societies Rules, 1988. He submitted that the petitioner was granted time scale of pay only pursuant to the instructions issued by the Registrar of Co-operative Societies dated 21.08.2008 and the said instructions clearly stipulate that grant of time scale of pay will not confer regularisation, seniority or promotional benefits.

6. He further submitted that the petitioner's promotion from the post of Packer to Salesman and thereafter to Junior Clerk was contrary to Rule 149 of the Rules, 1988 and in violation of the conditions imposed in the instructions dated 21.08.2008. Therefore, he contended that the promotions were granted by the erstwhile Management without following the statutory rules. Therefore, based on the objections raised by the competent authorities, the the 2nd respondent has issued the proceedings dated 05.01.2024 reverting the petitioner and the same cannot be faulted. In view of the above, he prayed for dismissal of this writ petition.



7. Learned counsel for the 3rd respondent submitted that the petitioner was irregularly appointed on humanitarian grounds and not through Employment Exchange, whereas the 3rd respondent was appointed in accordance with Rule 149 of the Rules and is senior and eligible for promotion. He further submitted that the petitioner has suppressed material facts and misled this Court by not initially impleading the 3rd respondent, who is an affected party. He also submitted that the petitioner's appointment was not as per proper channel and his services were never regularised and therefore he is not entitled to claim seniority or promotion on par with others. Reiterating the counter affidavit and by placing reliance on the judgment of the Hon'ble Supreme Court in ***A. Umarani v. Registrar, Co-operative Societies, reported in (2004) 7 SCC 112***, he contended that irregular appointments cannot be regularised or confer promotional benefits. Further, he argued that the petitioner was promoted in violation of the conditions contained in the instructions dated 21.08.2008, which categorically state that grant of time scale of pay will not confer promotion or seniority. Therefore, the orders dated 08.12.2023 and 05.01.2024 issued by the 1st and 2nd respondents are legally valid and any interference by this Court is unwarranted.

8. This Court has carefully considered the submissions on either side and perused the materials available on record.



9. It is not in dispute that the impugned order of reversion was passed pursuant to the directions of the 1st respondent. It is equally undisputed that no notice or enquiry was conducted before passing the impugned order. Further on perusal of records, this Court finds that the issue relating to jurisdiction of the Deputy Registrar in service matters is no longer *res integra*. In W.P.No.17294 of 2022 dated 07.07.2023, this Court, following the earlier decision in W.P.No.2628 of 2015, has categorically held that the Deputy Registrar has no authority to interfere with the service conditions of the employees of a Co-operative Society, in view of G.O.(2D) No.108 dated 31.08.2005. Therefore, the impugned orders passed by the respondents 1 and 2 is without jurisdiction, and the same are nullity in the eye of law. Since the competent authority under the Government Order is the Joint Registrar, this Court deems it fit to implead the Joint Registrar of Co-operative Societies, Salem District, as the 4th respondent, to decide the issue afresh in accordance with law. Accordingly, this Court *suo motu* impleaded the Joint Registrar of Co-operative Societies, Salem District as the 4th respondent.

10. For the reasons aforesaid, this Court issues the following directions :-

a) The impugned reversion order dated 05.01.2024 issued by the 2nd respondent and the earlier proceedings issued by the 1st respondent vide order dated 08.12.2023 are hereby set aside.



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b) The newly impleaded 4th respondent is directed to consider the issue afresh, and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the contesting respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

c) A copy of this order shall be marked to the Joint Registrar of Co-operative Societies, Salem District, for necessary compliance.

11. The writ petition stands disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2025

Note : Registry is directed to carry out necessary amendments in the bundle, before issuing the order copy.

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

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To

1. The Deputy Registrar of
Cooperative Societies,
Salem Circle, Salem

2.S.1236 Valapadi Primary
Agricultural Cooperative Credit Society Ltd.,
Rep. by its Administrator,
Valapadi Post, Salem District.

3. The Joint Registrar of Co-operative Societies,
Salem District.

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and
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