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W.P. No.3712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.3712 of 2024

and

W.M.P. Nos.4018 and 4019 of 2024

1.P.Velliyangiri

S/o Perumal No 2 / 66, Parisalthurai
Pannavadi Post, Kolathur Mettur Taluk,
Salem District ,

2.V. Silleri

S/o Veerapathiram Sillerithottam
Ayyampudur Post , Kolathur Mettur
Taluk, Salem District ,

3.B.Gopal

S/o Balu Periyathanda Chinnathanda
Post, , Kolathur Mettur Taluk, Salem
District ,

4.K.Nagarasan

S/o Kuppusamy Singiripatti Kaattukottai
Ayyampudur Post , Kolathur Mettur
Taluk, Salem District ,

Petitioner(s)

Vs

1.The Joint Registrar of Cooperative Societies
Salem Region, Collectorate, Salem 1,
Salem District.

2.The Deputy Registrar of Cooperative Societies,
Omalar Circle, Omalar, Salem District.



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3.The Administrator,
K.K 124, Kolathur Primary Agricultural
Cooperative Credit Society Limited,
Kolathur Post 636 303,
Mettur Taluk Salem District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka 349 / 2023 / Nu.Ku dated 05.05.2023 and quash the same and consequently directing the respondents to regularize the petitioners service from date of their appointment date instead of the date of regularization effected from 12.03.2001.

For Petitioner(s) : Mr.C.Prakasam

For Respondent(s) : Ms.M.Geetha Thamaraiselvam
Special Government Pleader

ORDER

The present writ petition has been filed challenging the order of the 2nd respondent dated 05.05.2023, quash the same and to consequently directing the respondents to regularize the petitioners service from date of their appointment date instead of the date of regularization effected from 12.03.2001.

2. The learned counsel for the petitioners would submit that the petitioners 1 to 4 were appointed as PDS Salesmen in the 3rd respondent Society on 07.05.1997, 07.05.1997, 15.12.1997 and 28.02.1998 respectively. Subsequently, their services were regularised on 12.03.2001 by the Joint Registrar, Co-operative Societies, Salem, on completion of 480 working days in 24 calendar months, vide order dated 08.02.2007. While so, the petitioners submitted a representation to

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the Registrar and the Joint Registrar of Co-operative Society, Salem for awarding Selection Grade and Special Grade on completion of 10 years and 20 years of service, however, the same was not considered. Therefore, the petitioners filed a writ petition before this Court in W.P.No.2563 of 2023, wherein this Court vide order dated 30.01.2023 issued a direction to the respondents 1 and 2 to consider the representation of the petitioners therein and to pass orders within a period of six weeks from the date of receipt of a copy of this order. Pursuant to which, the impugned order is passed declining the petitioners' request for grant of Selection Grade and Special Grade. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that this Court vide order dated 30.01.2023 issued a direction to respondents 1 and 2 to pass appropriate orders. However, contrary to the order passed by this Court, the Deputy Registrar passed orders which is not maintainable and is without jurisdiction. He would further state that as per G.O.No.86 dated 12.03.2001 the petitioners were entitled to be considered as regular employees on completion of 480 days from the initial date of appointment not on the date of regularisation since the petitioners substantially rendered service in the post in which they were appointed. It is therefore stated that the impugned order has been passed without taking into consideration the initial appointment and without considering the



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request for regularisation for awarding Selection Grade and Special Grade is not maintainable, perverse and liable to be rejected. Accordingly, he prayed for appropriate orders in the writ petition.

4. Per contra, the learned Government Pleader appearing for the respondents would rely on the following paragraphs of the counter affidavit filed in support of this writ petition, the relevant portions are extracted below:

“2.All the four petitioners were appointed at the Third Respondent Society not through the list of candidates from the employment exchange but by the resolution of the board of the society before 12-03-2001. All these four persons were appointed in violation of special bylaw of the society and against the Rule 149 (2) of Tamil Nadu Co-operative Societies Rules 1988. They were irregular appointees. Anyhow on the basis of the G.O. (Ms) No. 86, Co-operation, Food and Consumer Protection Department, dated 12-03-2001 and as per the Honourable High Court, Chennai judgment in W.A. No. 2501 and 2502 / 2001 batch cases dated 24-10-2002, the irregular appointment of the petitioners were regularized by the following proceedings of the Joint Registrar of Co-operative Societies, Salem.

As the petitioners irregular appointment were regularised by the aforesaid proceedings of the Joint Registrar of Co-operative Societies, Salem Region with effect from 12-03-2001, they become eligible for promotion to the next higher category provided that there shall be vacancy in the next higher category from the date of regularization.

The petitioner No. 1, Thiru. P. Velliyangiri was promoted from PDS Salesman to Fertilizer Salesman by the board on 15-07-2020. Subsequently he was promoted as Clerk on 17-07-2023, after the completion of three years service in the feeder category as prescribed in Rule 149(1) of the Tamil Nadu Co-operative Societies Rules 1988. So, there is no mistakes in the promotions given to the First Petitioner. He is still working in the promoted post of clerk.

The Petitioners No. 2, 3 and 4 were all promoted from the PDS Salesman Cadre to Clerk Cadre by the resolution of the board on 19-07-2023.

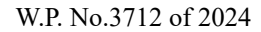


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This promotions were all jumping promotions. Clerk Cadre is not the immediate next higher category to the PDS Salesman Cadre. The Junior Assistant / Junior Clerk / Fertilizer Salesman Cadre is the next higher cadre to the PDS Salesman Cadre. The petitioners 2, 3 and 4 were to be promoted to their next higher category i.e., Junior Clerk only. Then after their completion of service of three years in that cadre, they should have been promoted to next higher category i.e., Clerk. So, the irregular clerk promotions to the Petitioners No. 2, 3 and 4 were rightly cancelled by the third respondent through his resolution dated 30-08-2023.

3. It is submitted that as per Rule 149 of Tamil Nadu Co-operative Societies Rules 1988-the co-operative employees shall be appointed 1) through the list of candidates from employment exchange, 2) within prescribed age, 3) with required educational qualification, 4) with a vacancy available at the approved cadre strength of the concerned society. The appointees of the Co-operative Societies with the aforesaid four qualifications are regular employees. The petitioners were not appointed through the list of candidates from the employment exchange. So they were all irregular employees. The Tamil Nadu Government authorized Registrar of Co-operative Societies, Chennai-10 in its Order (Ms) No. 86, Co-operation, Food and Consumer Protection Department dated 12-03-2001 to regularise the irregular employees who were not appointed through the list of candidates from employment exchange from 09-08-1980 to 11-03-2001. Later the Joint Registrar of the concerned region were authorised to regularise the irregular appointees, in the Government Letter No. 22322/2005-7, Co-operation, Food and Consumer Protection Department dated 02-11-2006. So all these petitioners were regularised by the order of the Joint Registrar of Co-operative Societies, Salem Region with effect from 12-03-2001. The petitioners had already filed Writ Petition No. 2363/2023 before the Honourable High Court. Chennai demanding to take initial appointment date for the calculation of their service of 10 years and 20 years to grant selection grade and The Honourable High Court delivered special grade for them. judgement on 30-01-2023 in which it was directed to the Respondents to consider the representation of the Petitioners and take a decision within a period of six (6) weeks from the date of receipt of a copy of the order. The petitioners were directed to file fresh representation to the Respondents.

4. It is submitted that the Second Respondent, after perusing the fresh



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Admittedly, the Selection Grade and Special Grade are granted on completion of 10 years and 20 years of service in permanent post, in the present case, the petitioners were appointed as daily wages in the year 1987 by way of Board Resolution and not through Employment Exchange, which is stated to be contrary to the by-laws of the Society. Thereby, the respondents rejected the request of the petitioners seeking grant of Selection Grade and Special Grade from the date of initial appointment. In the impugned order, it is clearly stated that the petitioners are entitled for Selection Grade and Special Grade from the date of regularisation, hence the order passed by the respondents cannot be interfered with.

7. Accordingly, the writ petition stands dismissed, however, there shall be a direction to the respondents to award Selection Grade and Special Grade to the petitioners as per the impugned order, if not already awarded. No costs. Consequently, the connected miscellaneous petitions are closed.

10.12.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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