



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 39030 of 2015

and

W.M.P.No.1 of 2015

D.Mohanasundaram
S/o.Duraisamy,
No.16/51, Myladi,
Gnanipalayam (Post), Vellore,
Erode District.

Petitioner(s)

Vs

1. The Registrar of Co-operative
Societies,
N.V.N.Maalgai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.

2.The President
A.A. 511, Kandappagoundenvalasu
Primary Agriculture, Co-operative
Credit Society Ltd,
Kandappagoundenvalasu,
Chennimalai (Via), Erode District.



Respondent(s)

PRAYER : This Writ Petition filed under Article 226 of the Constitution of
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India for issuance of a Writ of Mandamus, directing the second respondent to promote the petitioner to the post of Clerk with effect from 28.01.2013 in view of the circular issued by the first respondent dated 08.12.1997 vide Proceedings Na.Ka.119653/97 Tho ve va.1.

For Petitioner(s): Mr.C.Munusamy

For Respondent(s): Mr.K.Tamil Vendan
Government Advocate for R1
Ms.T.P.Savitha For R2

ORDER

This Writ Petition has been filed seeking a writ of mandamus, directing the second respondent to promote the petitioner to the post of clerk with effect from 28.01.2013 in the light of the circular issued by the first respondent vide proceedings Na.Ka.119653/97 Tho ve va.1, dated 08.12.1997.

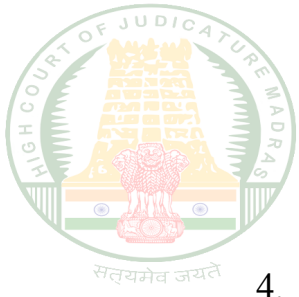
2. It is the case of the petitioner that he was initially appointed as salesman in the second respondent society on 24.06.1989 and he was further



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promoted to the post of Junior Clerk on 28.01.2013. The petitioner, by placing reliance on the proceedings dated 08.12.1997 issued by the first respondent, contended that respondent No.2 ought to have promoted the petitioner to the post of Clerk with effect from 28.01.2013, as the proceedings dated 08.12.1997 directs consideration of the case of the salesman along with the other sub-staff for being promoted to the post of Clerk. According to the petitioner, the respondent failed to consider the case of the petitioner as per the said circular dated 08.12.1997 and, hence, approached this Court by filing the present writ petition to promote the petitioner to the post of Clerk from the date on which, he was promoted to the post of Junior Clerk.

3. The second respondent filed a counter affidavit contending that the circular dated 08.12.1997 was issued initially and thereafter a revised circular was issued by the Registrar of Co-operative Societies vide letter Rc.52437/12 PACS dated 03.08.2012, stipulating that the employees of the Fair Price Shops run by Primary Agricultural Co-operative Credit Societies (PACCS) will be considered for promotion along with sub-staff and night watchman.



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4. According to respondent No.2, in terms of the said circular dated 03.08.2012 read with Sub Rule (1) of Rule 149 of the Tamil Nadu Cooperative Societies Rules, 1989, a minimum period of three years of satisfactory service has been prescribed as eligibility for promotion from one category to the immediate higher category of post. Thus, the petitioner, who was promoted to the post of Junior Clerk only on 28.01.2013, cannot claim promotion to the post of Clerk, unless he completes three years of service in the post of Junior Clerk.

5. Further, the learned Additional Government Pleader also brought to the notice of this Court about the communication received by him in Rc.No.5862/2015/SF, dated 04.07.2025, wherein it is stated that the case of the petitioner herein was considered for the further promotion during the pendency of the present writ petition and accordingly, he was promoted to the post of Clerk on 01.02.2016 and to the post of Senior Clerk on 01.02.2019 and finally to the post of Assistant Secretary on 01.02.2022. Thus, the petitioner has consistent progression in his service and was finally promoted to the post of



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Assistant Secretary on 01.02.2022. The entire case of the petitioner to promote him to the post of Clerk with effect from 28.01.2013 is only based on the proceedings dated 08.12.1997 issued by the first respondent.

6. A perusal of the said proceeding dated 08.12.1997 would indicate that it only provides for consideration of the Ration Shop Keepers for promotion to the vacant post of Clerks in the Primary Agricultural Co-operative Credit Societies, subject to fulfilling the educational qualification along with fertilizer salesman, typist, office assistant and night watchman. Thus, it is only a provision providing for consideration of the Ration Shop Keepers for the promotion to the vacant post of Clerks. But that does not mean that the petitioner herein can claim promotion as a matter of right. One cannot claim promotion as a matter of right and it is well settled law that the fundamental right is only for consideration of the case for promotion, but not for promotion as such.

7. In the light of the above and taking into consideration the fact that the



petitioner's case was already considered for the promotion to the post of Clerk

and he was already promoted as early as in the year 2016 to the post of Clerk

and further promoted to the higher posts, this Court does not find any merit in

the writ petition. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

16-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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