



W.P.No.18400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.18400 of 2023

and

W.M.P.No.17618 of 2023

M.Palanisamy

... Petitioner

-VS-

1.The Joint Registrar of Co-operative Societies,
and Common Cadre Authority,
Perambalur Region,
Perambalur.

2.The President,
Ty.Spl.61, Vengnoor Primary Agricultural
Co-operative Credit Society Ltd,
Venganoor & Post,
Veppanthattai Taluk,
Perambalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the first respondent in Na.Ka.730/2022/Thovesa dated 10.02.2023 and quash the same and consequently, direct the respondents to settle all the retirement benefits payable to the petitioner.



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For petitioner : Mr.S.Kamadevan
For respondents : Mr.E.P.Senniyangiri,
Government Advocate for R1
No appearance for R2

ORDER

Challenging the order passed by the 1st respondent dated 10.02.2023 in Na.Ka.730/2022/Thovesa and consequently, directing the respondents to settle all the retirement benefits to him, the petitioner is before this Court.

2.The facts which have given rise to the filing of this petition are briefly set out hereinbelow.

2.1.The petitioner would submit that he had joined as Salesman in the 2nd respondent society on 01.04.1985 and thereafter, promoted as the Secretary in 1989 as he possessed the necessary qualifications. After having served for 30 years in the 2nd respondent society, the petitioner had attained superannuation on 31.07.2019. A few days prior to his attaining superannuation, the petitioner was placed under suspension by the proceedings dated 09.07.2019,



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stating that the inquiry under Section 81 of the TamilNadu Co-operative Societies Act, 1983, (hereinafter referred as “the Act”) was ordered. The petitioner would submit that this order of suspension was *per se* erroneous.

2.2.The petitioner would submit that meanwhile, the Government of Tamil Nadu had introduced the Common Cadre Service Rules 2019 in respect of the Secretaries working in the Primary Agricultural Co-operative Credit Societies by issuing G.O.Ms.No.14, Co-operation, Food and Consumer Protection dated 12.02.2019, in exercise of the powers conferred under Section 75 of the Act.

2.3.It is the case of the petitioner that from a perusal of these Rules, it is clear that the 1st respondent alone is the Cadre Authority to deal with the service conditions of the Secretaries working in the Primary Agricultural Co-operative Credit Societies including the initiation of disciplinary proceedings and to place them under



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suspension. Therefore, by these Rules, the power is vested only with the 1st respondent and none else.

2.4.While so, it is the contention of the petitioner that it is the 2nd respondent who had no power or authority under these Rules, has placed the petitioner under suspension. Therefore, it was contended that the suspension order has to be revoked. Thereafter, the 2nd respondent had passed an order dated 31.07.2019, directing the petitioner to retire from service without prejudice to the further action that was proposed to be initiated.

2.5.The petitioner would submit that as regards the inquiry under Section 81 of the Act, the Inquiry Officer submitted his report dated 10.12.2019 and thereafter, a notice under Section 87(1) of the Act was issued for the surcharge proceedings. Meanwhile, one Senior Clerk viz., K.Arunachalam and another clerk viz., R.Murugesan of the 2nd respondent society admitted their mistakes and remitted the amount together with interest. Consequently, the



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surcharge proceedings were dropped by the Deputy Registrar by his proceedings dated 18.11.2020. Therefore, the orders placing the petitioner under suspension and the subsequent revocation of suspension were only futile exercise.

2.6.It is the grievance of the petitioner that apart from placing him under suspension, the 2nd respondent had also initiated disciplinary proceedings against him by issuing charge memo dated 05.10.2020 after the petitioner's retirement and had also appointed an Enquiry Officer. It is the contention of the petitioner that all of these have to be performed only by the Joint Registrar of Co-operative Societies as the petitioner belong to the common cadre. Therefore, he would submit that the very proceedings that has been initiated against him is not as per the Rules and the proceedings initiated after his retirement should be dropped as the petitioner was allowed to retire on 31.07.2019.

2.7.The petitioner would submit that once he is deemed to



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retire from service, he must be paid his terminal benefits which had not been paid and therefore, he submitted his representation and as his representation yielded no result, he had filed the writ petition in W.P.No.24385 of 2025 seeking direction to settle the same. Thereafter, by an order dated 17.02.2022, the said writ petition was disposed of with a direction to consider the petitioner's representation and pass orders. The 1st respondent who is the competent authority under the Common Cadre Service Regulations had not considered the settlement of the terminal benefits within the time stipulated by this Court. The petitioner had filed a contempt petition in Cont,P.No.2657 of 2022 and after the notice, the 1st respondent hurriedly passed the impugned order dated 20.02.2023 against which the present writ petition has been filed.

3.A counter affidavit has been filed by the 1st respondent *inter alia* denying the claim of the petitioner and contending that the orders has been passed by the Competent Authority and no exception can be taken to the same. The respondents after delving into the



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history of the case including the various proceedings would submit that by remitting the mis-appropriated amount, the petitioner had accepted the crime. The respondents would further submit that the petitioner had an effective alternative remedy before the Lower Authority and without exhausting the same, has rushed to this Court.

4.The respondents would submit that the Common Cadre Service Scheme came into force only from 15.07.2019, whereas the petitioner has been suspended even before that ie., on 09.07.2019 itself by the 2nd respondent society and the disciplinary proceedings has been initiated. However, no final orders was issued by the 2nd respondent and it was only the 1st respondent who had passed the order concerned. They would submit that the petitioner has not made out any case for interference and therefore, they pray for the dismissal of this writ petition.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.From a perusal of the records, it is seen that the petitioner was suspended on 09.07.2019 and was permitted to retire without prejudice to the contemplation of action under Section 81 inquiry. Therefore, on the date on which the petitioner was permitted to retire, the proceedings under Section 81 inquiry has not been initiated. The notice for the Section 81 inquiry was issued on 10.07.2019 and on the date of initiation of Section 81 proceedings, the Common Cadre Service Rules 2019 had come into effect. Under these Rules, the common cadre authority in the case of the Secretaries was the Joint Registrar of Co-operative Societies. Rule 30 thereunder deals with the disciplinary proceedings. The Sub Rules 6 thereunder reads as follows:

“(6) A Common Cadre Employee may be placed under suspension by the Common Cadre Authority and the order of suspension may be revoked by the Common Cadre Authority. If there are sufficient reasons for revocation, the same shall be recorded in the order of revocation.

(8) The Common Cadre Authority may initiate disciplinary action against Common Cadre



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Employee strictly in accordance with these rules.”

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7. Therefore, the power to initiate proceedings vests only with the Joint Registrar whereas a perusal of the order dated 31.07.2019 under which the petitioner has been permitted to retire has been issued by the 2nd respondent and not by the 1st respondent. Likewise, the charge memo dated 05.10.2020 has been issued by the 2nd respondent and not by the 1st respondent. The explanation calling for the enquiry report on 24.12.2020 is also issued only by the 2nd respondent as also the 2nd show cause notice dated 07.01.2021. Therefore, the proceedings has been initiated by the person who is not the Competent Authority under the Rules. This issue was dealt with in the writ petition in W.P.No.34818 of 2019 by the Hon'ble Co-ordinate Bench of this Court where the learned Judge relied upon the judgment of the Hon'ble Division Bench of this Court in the case of *The Special Officer vs. A.Sundaram* passed in W.A.No.1284 of 2006 dated 13.12.2006 went on to hold that it is only the concerned authority who is empowered to initiate proceedings as against the persons falling within the common cadre. The learned Judge had



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observed as follows:

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“12.However, the said G.O.Ms.No.17 dated 23.01.2001 by which the cadre authority was constituted could not come into effect due to the interim order of stay passed by this Court. Finally, all the writ petitions were dismissed on 23.06.2003 vide the judgment in P.Baluchamy vs The State rep. By the Secretary to Government, Co-operation, Food and Consumer Protection Dept., Fort St.George, Chennai – 9 and two others reported in 2003 (3) CTC 65 and the interim order of stay stood vacated. It is only thereafter, the appellant -Special Officer, issued the impugned order of dismissal dated 30.08.2003 removing the writ petitioner, A.Sundaram from the services of the bank.”

8.Ultimately, the learned Judge has passed the following order:

“16.In the result, this writ petition is allowed and the first respondent shall pass appropriate orders permitting the petitioner to retire from services and he shall be paid with all retirement benefits in accordance with the Rules. This process shall be completed within a period of six (6) weeks from the date of receipt of a copy of this orders. No costs. Consequently, connected miscellaneous petition is closed.”

9.The Hon’ble Division Bench of the Madurai Bench of this Court in W.A.Nos.1174 of 2025, etc., was also considering the



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similar issue. The point in issue has been discussed in paragraph no.3 of the said judgment.

“3.Originally, they were all employees of the respective Primary Agricultural Cooperative Credit Societies and governed by special by laws regarding service condition of the employees of the Primary Agricultural Cooperative Credit Societies. Following the promulgation of G.O.Ms.No.14 Co-operation, Food and Consumer Protection (CNI) Department dated 12.02.2019, the post of Cooperative Secretary came to be borne on common cadre. The writ petitioners were governed by the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules 2019.”

10.Ultimately, the Bench relied upon the judgment of the Hon’ble Co-ordinate Bench in W.A.Nos.2220 and 2466 of 2021 passed the following order:

“7.We are however unable to accept the said contention. This is because following the promulgation of the common cadre service rules in the year 2019, the special bylaws ceased to govern the service conditions of the Secretaries of the respective Co-operative Societies. The Hon’ble Division Bench had also indicated that amendments to the Rules are called for. Unfortunately, till date the rules have not been amended. When the common cadre did not provide



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for retention of the delinquent employees in service for inflicting punishment after they reach the age of superannuation. The authority will not be justified in doing so. The approach of the learned Single Judge cannot be faulted. There is no merit in these writ appeals. The writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

The Bench had also answered the argument now raised by the learned Government Advocate that since the petitioner had been suspended even prior to the coming into effect of the common cadre rules, the same would not apply to him in the above referred portion of the said judgment.

Accordingly, the writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition stands closed.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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P.T.ASHA, J.,

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To

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and Common Cadre Authority,
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