



W.P.(MD) No.1831 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
08.10.2025	..11.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.1831 of 2025

P.Ganesan

... Petitioner

-VS-

1.The Joint Registrar of Co-operative
Societies (Revisional Authority)
Lady Dock College Road
Madurai-625 002

2.The Deputy Registrar of Co-operative Societies
Usilampatti @ Thirumangalam
Jawahar Nagar, Thirumangalam
Madurai District

3.The Administrator / Special Officer
MD Spl.94, Nathapatti Primary
Agricultural Co-operative Credit Society Ltd.
Nathapatti, Kovilangulam Post
Usilampatti Taluk, Madurai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to order in Na.Ka. 6724/2023/SaPa, (Revision Petition No.05/2024 SaPa) dated 13.11.2024 issued by the 1st respondent, quash the same and direct the 3rd respondent to fix wages to the petitioner as mentioned for post of clerk in Circular in No.14/2018 (Na.Ka.7646/2018 Primary Agricultural Society) dated 08.11.2018.

For Petitioner : Mr.T.Ravichandran
For Respondents : Mr.F.Deepak
Special Government Pleader for R1 & R2
Mr.S.Kumar for R3

ORDER

This Writ Petition had been filed to quash the impugned order, dated 13.11.2024 issued by the 1st respondent and direct the 3rd respondent to fix wages to the petitioner as mentioned for post of clerk in Circular in No.14/2018 (Na.Ka.7646/2018 Primary Agricultural Society) dated 08.11.2018.



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2. Heard Mr.T.Ravichandran, learned counsel appearing for the petitioner, Mr.F.Deepak, learned Special Government Pleader appearing for the first and second respondents and Mr.S.Kumar, learned counsel appearing for the third respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Salesman in the third respondent society on 03.02.1997. On 03.05.2013, since the post of Secretary became vacant, the incumbent who was working as a Clerk having required qualification was promoted as Secretary. The said post of Clerk became vacant as the incumbent Junior Clerk did not possess the required qualification to be posted as Clerk and as his services was not regularised, he could not be promoted as a Clerk. By proceedings of the Joint Registrar, dated 03.08.2012, as eligible candidates were not available, he had permitted the Salesman in Fair Price Shop to be promoted as a Junior Clerk or a Clerk. As the petitioner's appointment had already been regularised, the petitioner was entitled to be promoted either as Junior Clerk or Clerk in any of the vacancies in the approved cadre strength based upon the circular of the Registrar. The petitioner having qualification by a proper resolution was promoted as a Clerk and has been working w.e.f., 01.01.2014. When a new wage structure was announced in circular No.14 of 2018 on 08.11.2018, approval was accorded by the



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second respondent in respect of the Secretary and Junior Clerk alone, but the petitioner had been informed that since he had been given promotion improperly, he would not be qualified to get the new wage settlement. Hence, having been aggrieved, he had filed a revision under Section 153 of the Tamil Nadu Cooperative Societies Act. He would submit that the revisional authority namely the first respondent herein without considering the circular issued by the Registrar on 03.08.2012 had rejected the revision filed by the petitioner. He would submit that the promotion of petitioner as a Clerk has also been approved by the Registrar. Therefore, he prays indulgence of this Court in setting aside the order impugned in the Writ Petition and direct the respondents to grant him the wage settlement benefits as granted to the Secretary and the Junior Clerk.

4. Countering his arguments, learned Special Government Pleader appearing for the first and second respondents would submit that as per the bye-laws of the society only a person working as Junior Clerk having experience of three years can be promoted to the next category of Clerk. The bye-laws specifically envisages that a person could be qualified only from the next lower category when having three years of experience. The petitioner who was working in the second category had been given promotion jumping one level is not permitted under the bye-laws of the society and hence, his promotion



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itself is improper. He would further relying upon the circular issued by the Registrar, submit that it does not deal with a promotion to be granted violating the bye-laws. The said circular had been only issued for modifying the earlier condition that as regards to the promotion of salesman whether the vacancy arises in the post of Attender or Fertilizer Salesman, it can be filled up from eligible candidates from the salesman working in the Fair Price Shop. Therefore, there can be no promotion giving a skip to the next higher post in violation of the bye-laws.

5. The learned counsel appearing for the third respondent would submit that the promotion granted, is in clear violation of the bye-laws and also adopted the arguments made by the learned Special Government Pleader appearing for the first and second respondents.

6. I have considered the submissions made by the learned counsel appearing for the parties and perused the materials placed on record.

7. Even though the respondents are refuted the claim of the petitioner in the counter affidavit filed by the second respondent, the letter dated 03.08.2012 is said to



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deal with the modification of the earlier conditions in an earlier letter dated 02.02.2009, with regard to the promotion of a salesman whenever a vacancy arises to the post of Attender or Fertilizer Salesman and Clerk and the said letter envisaged that the said vacancies can be filled up from eligible candidates from Salesman who is working in the Fair Price Shop. For better appreciation, the relevant paragraph is extracted hereunder:-

6. I submit that the Writ Petitioner has relied upon the letter of the Registrar of Co-operative Society dated 03.08.2012 and also circular No.119653/97, dated 08.12.1997, whereby the society is permitted to fill the post off clerk from salesman directly. However, he miserably failed to enclose copy of those letter and circular to sustain his plea. The letter dated 03.08.2012 dealt with modification of earlier condition in letter dated 02.02.2009 with regard to promotion of salesman, whenever vacancy arises in the post of Attender or Fertilizer Salesman and Clerk, it can be filled from eligible candidate from salesman who is working in fair price shop. It never says that salesman can be given jumping promotion without working in feeder category. So letter dated 03.08.2012 of Registrar of Co-operative society is not applicable to the facts of the present case. Even assuming that there is a circular to give jumping promotion like petitioner's case, it can be over ride special bye-laws of the society. At any rate, the promotion given to the petitioner is not in accordance with law. As such, he cannot seek to fix salary to the post of Clerk based on the illegal promotion. Hence, the 1st respondent has rightly refused to entertain



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revision. The impugned order of the 1st respondent is in well within four corner of the law and there is no illegality or infirmity in the impugned order of the 1st respondent. It may be sustained by this Court.

8. If it is admitted so in the counter affidavit that a Salesman working in the Fair Price Shop who has eligible requirements for promotion as an Attender, Fertilizer Salesman and Clerk, he could be entitled to be promoted as admitted in the counter affidavit. The petitioner who has been working as Salesman in the Fair Price Shop having possessed the eligibility for promotion as a Clerk cannot be said to be improperly promoted in violation of the bye-law. Hence, the contention of the respondents that there has been a jumping promotion given to the petitioner is without any merits and the same seems to have been made only in consonance with the circular, dated 03.08.2012 issued by the Registrar of Co-operative Societies. The order of promotion also refers to the said circular issued by the Registrar.

9. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order is set aside and as a sequel, the third respondent is directed to fix the wages of the petitioner as mentioned for the post of Clerk in Circular No.14 of 2018, dated 08.11.2018. Such exercise shall be carried out by the third respondent within a period



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six (6) weeks from the date of receipt of a copy of this order.

.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Pbn



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K.KUMARESH BABU, J.

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PRE-DELIVERY ORDER
IN
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