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W.P.(MD) No.10353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.10353 of 2021

and

W.M.P.(MD) Nos.8023 & 8024 of 2021

Ilanthendral

... Petitioner

-VS-

1.The Deputy Registrar of
Co-operative Societies
Madurai Region, Madurai

2.The President
A2377, Villapuram Urban
Cooperative Credit Society
Villapuram, Madurai-625 012

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned report dated 12.03.2019 passed by the 1st respondent and his consequential impugned order vide Na.Ka.6095/2018/CKu(1) dated 26.05.2021 quash the same as illegal and arbitrary.



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For Petitioner : Mr.A.Balaji

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition has been filed challenging the impugned report dated 12.03.2019 as well as the impugned order dated 26.05.2021 both issued by the first respondent.

2. Under the impugned report as well as the impugned order, there is a proposal to demote the petitioner, who has jumped promotion earlier. The petitioner was originally appointed as a Salesman in the second respondent – Society on 09.04.1992. Thereafter, he was promoted as a Clerk on 17.05.2015. The decision to promote the petitioner as Clerk was submitted by the second respondent – Society to the first respondent on 20.02.2020 seeking for their approval and for disbursement of salary. The same has been rejected under the impugned order dated 26.05.2021, on the ground that the petitioner is not entitled to get salary as a Clerk, since he has jumped promotion.



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3. According to the respondents, the second respondent – Society is having the sanctioned strength of three employees, namely, one Secretary, one Clerk and one Attender. Therefore, the petitioner's promotion to the post of Clerk from the post of Salesman is improper and illegal. Only under those circumstances, the impugned report and the impugned order came to be issued by the first respondent.

4. The petitioner is having the benefit of interim stay of operation of the impugned report and the impugned order and he continues to hold the post of Clerk in the second respondent – Society pursuant to the said interim order and he is also receiving salary only as a Clerk from the first respondent. The petitioner is due to retire from service on 27.02.2027. For the fault committed by the second respondent, the petitioner should not be made to suffer, that too when he is having the benefit of interim stay of operation of the impugned report and the impugned order of the first respondent right from the year 2021 onwards.



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5. It is also brought to the notice of this Court by the learned counsel for the petitioner that as on date, only three employees are working in the second respondent – Society, namely, one Secretary, one Clerk (petitioner) and one Attender. The second respondent – Society is having the sanctioned strength of only three employees. It is also brought to the notice of this Court by the learned counsel for the petitioner that as on date, no one has challenged the petitioner's promotion to the post of Clerk granted in the year 2015. The said submission is accepted by the learned Government Advocate appearing for the respondents.

6. Learned counsel for the petitioner, on instructions, would also submit that the petitioner undertakes that he will not claim any promotion to any higher post till his retirement and even thereafter, he will not seek for any notional promotion. The said undertaking given by the petitioner is recorded.

7. Admittedly, till date no final order has been passed demoting the petitioner on account of the respondents' allegation that the petitioner had jumped promotion.



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8. After giving due consideration to the aforementioned factors, in the interest of justice and since this order will not have any impact on any of the other employees, this Court deems it fit to quash the impugned report dated 12.03.2019 and the impugned order dated 26.05.2021, both issued by the first respondent.

9. Accordingly, this writ petition is allowed and the impugned report dated 12.03.2019 and the impugned order dated 26.05.2021, both issued by the first respondent, are hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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ABDUL QUDDHOSE, J.

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