



W.P.(MD)No.18161 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18161 of 2025

M.Annamalai

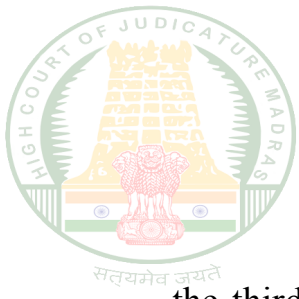
... Petitioner

-VS-

- 1.The Joint Registrar of Co-operative Societies,
Annavaasal Road,
Pudukkottai.
- 2.The Deputy Registrar of Co-operative Societies,
Aranthangi, Pudukkottai District.
- 3.The Secretary / Administrator,
MM 137, Alavayal Primary Agricultural Co-operative
Credit Society, Alavayal Post,
Ponnamaravathi Taluk, Pudukkottai District.
- 4.Adaikalam,
Clerk, Nallur Co-operative Credit Society,
Nallur Post, Ponnamaravathi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.3105/2021 A5 passed by the second respondent dated 14.03.2025 and quash the same as illegal and inconsequence thereof direct



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the third respondent to grant promotion to the petitioner on par with the fourth respondent.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 to R3 : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order in Na.Ka.No.3105/2021 A5 dated 14.03.2025, passed by the second respondent and consequently, to direct the third respondent to grant promotion to the petitioner on par with the fourth respondent.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is hereby dispensed with.

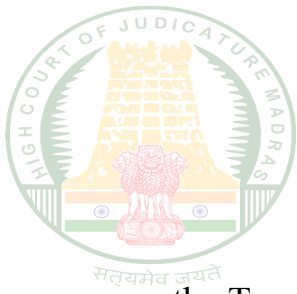
4. The learned counsel for the petitioner submits that the petitioner joined the third respondent Society as 'Salesman' on 06.01.2011 and was promoted as



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'Attender' on 09.05.2023. He was unfairly denied further promotion as 'Clerk' solely based on a minor stock deficit of 3 litres of kerosene identified during a surprise inspection in 2017, which was immediately remitted by the petitioner and followed by a non-cumulative punishment of stoppage of increment for three months. It is further submitted that the petitioner's junior, the fourth respondent, who joined the service in 2013, was promoted as Clerk on 08.05.2023, despite being junior in service. The petitioner made multiple representations requesting promotion on par with his junior, which were rejected by the second respondent under the impugned order dated 14.03.2025, citing the past punishment and non-challenge to a seniority list dated 01.04.2018. The learned counsel contends that the punishment was minor, non-cumulative and already suffered and that the denial of promotion is arbitrary and violative of the petitioner's rights. Hence, the impugned order is liable to be quashed and a direction may be issued to grant promotion on par with his junior.

5. The learned Special Government Pleader for the respondents 1 to 3 submits that the present writ petition is not maintainable in view of the alternative and efficacious statutory remedy available to the petitioner under Section 153 of

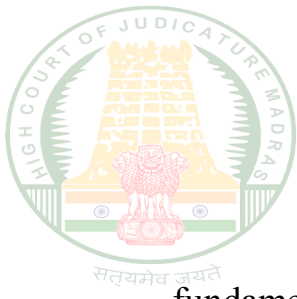


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the Tamil Nadu Co-operative Societies Act, 1983. The said provision enables any aggrieved party to file a revision before the Registrar of Co-operative Societies challenging orders passed by the authorities under the said Act.

6. The learned Special Government Pleader further submits that the petitioner, without exhausting the said remedy of revision, has directly invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is a settled principle of law that when a statutory remedy is available, the writ jurisdiction should not be invoked, particularly in service matters arising under the Co-operative Societies Act.

7. This Court has carefully considered the submissions of both sides. As rightly contended by the learned Special Government Pleader for the respondents 1 to 3, an effective statutory remedy is available to the petitioner under Section 153 of the said Act by way of a revision before the Registrar of Co-operative Societies. The Hon'ble Supreme Court and this Court have consistently held that writ jurisdiction should not be invoked when an effective statutory remedy is available, unless there are exceptional circumstances involving violation of



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fundamental rights, breach of natural justice, or lack of jurisdiction, which are absent in the present case.

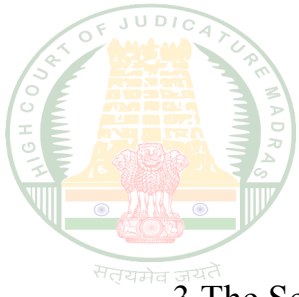
8. Accordingly, this writ petition is disposed of, granting liberty to the petitioner to work out his remedy by filing a revision before the competent authority under Section 153 of the said Act. If such a revision is filed within a period of two (2) weeks from the date of receipt of a copy of this order, the same shall be entertained by the competent authority without reference to the period of limitation and disposed of in accordance with law, within a period of three months thereafter. No costs.

NCC : Yes / No
Index : Yes / No
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