



W.P.(MD)No.16900 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.06.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.16900 of 2025**

**and**

**W.M.P.(MD)Nos.12796 and 12798 of 2025**

K.O.Mayandi

... Petitioner

-VS-

1.The Deputy Registrar of Co-operatives,  
Usilampatti Region,  
Thirumangalam, Madurai District.

2.The Administrator,  
MU 8 Usilampatti Agricultural Producer  
Co-op Marketing Society Limited, Usilampatti,  
Madurai District.

3.Mahendran

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertains to the impugned seniority list dated 01.04.2016 and consequential promotion order in dated 18.12.2024 passed by the second respondent and quash the same and consequently, direct the second respondent to promote the petitioner to the post of Senior Assistant, within the stipulated period.



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For Petitioner : Mr.K.Rajeswaran  
For R1 and R2 : Mr.K.Balasubramani  
Special Government Pleader  
For R3 : Mr.C.Jeganathan

### **ORDER**

This writ petition has been filed seeking to quash the impugned seniority list dated 01.04.2016 and the consequential promotion order dated 18.12.2024 passed by the second respondent. The petitioner further prays for a direction to the second respondent to promote him to the post of Senior Assistant, within the stipulated time.

2. The learned counsel for the petitioner submits that the petitioner has been serving in the second respondent society continuously since his appointment as 'Salesman' on 01.07.1991. His service has been regularized from the date of joining and he has held successive promotions with an unblemished record, now serving as an 'Assistant' since 2019.



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3. The learned counsel further submits that the petitioner is the senior-most eligible employee for promotion to the post of 'Senior Assistant' in the second respondent society, based on his earlier date of regular service and continuous employment. However, contrary to the petitioner's seniority, the third respondent was irregularly placed above the petitioner in the seniority list dated 01.04.2016 and subsequently, promoted as 'Senior Assistant' by the second respondent on 18.12.2024. This promotion is in violation of the principles of seniority and service rules.

4. The learned counsel further submits that the third respondent's service was regularized only on 29.09.2007, much later than the petitioner's regularization. Thus, the third respondent is not entitled to a seniority position above the petitioner. This Court, in W.P.(MD)No.27583/2024, had clearly held that the third respondent is eligible for promotion only from 12.11.2016. Despite the same, the impugned seniority list of 01.04.2016 illegally places the third respondent ahead of the petitioner, contrary to the Court's direction.



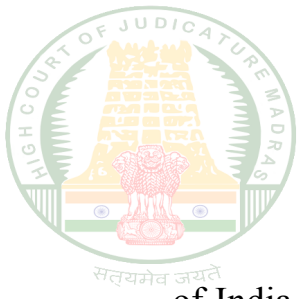
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5. The learned counsel also submits that the third respondent had challenged the promotion order of the first respondent but did not implead the petitioner as a party, thereby, denying the petitioner an opportunity to place relevant facts before the Court. Therefore, the learned counsel prays for quashing of the seniority list dated 01.04.2016 and the consequential promotion order dated 18.12.2024 and for a direction to promote the petitioner to the post of 'Senior Assistant' in accordance with his rightful seniority and service entitlement.

6. The learned Special Government Pleader for the respondents 1 and 2 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 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.

7. 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



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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.

8. The learned Special Government Pleader further submits that the petitioner has not demonstrated any exceptional circumstances such as violation of principles of natural justice, inherent lack of jurisdiction or patent illegality that would justify bypassing the available statutory remedy. The promotion of the third respondent was done in compliance with the direction issued by this Court in W.P.(MD)No.27583/2024. The seniority list relied upon by the society was prepared based on available service records and following due process. If the petitioner has any grievance, the appropriate forum is the revisional authority under the said Act.

9. This Court has carefully considered the submissions of both sides. It is not in dispute that the impugned promotion order and seniority list were issued by the authorities functioning under the Tamil Nadu Co-operative Societies Act, 1983. As rightly contended by the learned Special Government Pleader for the



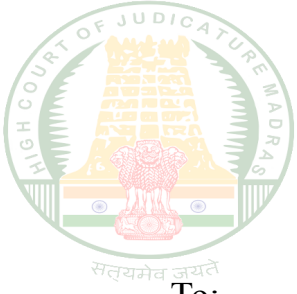
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respondents 1 and 2, an effective statutory remedy is available to the petitioner under Section 153 of the said Act by way of a revision before the Registrar of Co-operative Societies. The Hon'ble Supreme Court and this Court have consistently held that writ jurisdiction should not be invoked when an effective statutory remedy is available, unless there are exceptional circumstances involving violation of fundamental rights, breach of natural justice, or lack of jurisdiction, which are absent in the present case.

10. Accordingly, this writ petition is dismissed as not maintainable, 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 considered on its own merits and in accordance with law, without reference to the limitation period. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No  
Index : Yes / No  
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**VIVEK KUMAR SINGH, J.**

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