



W.P(MD)No.22869 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22869 of 2025

and

WMP (MD) Nos.17938 and 17939 of 2025

G.Palanikumar

... Petitioner

vs.

1. The Joint Registrar of Co-Operative Societies,
Madurai Region,
Madurai.

2. The Deputy Registrar of Co-Operative Societies,
Madurai Circle,
Madurai.

3. The Administrator / Co-Operative Sub Registrar,
A.3072, Co-Operative Department and Co-Operative
Audit Department Staffs and Co-Operative Thrift
and Credit Society Ltd,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for records in Na.Ka.No. 837/2024/C.Koo dated 02.05.2025 on the file of the 2nd respondent and consequential impugned order of the 3rd respondent dated 10.06.2025 and quash



W.P(MD)No.22869 of 2025

WEB COPY the same as illegal and arbitrary.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the cancellation order dated 02.05.2025 issued by the second respondent, whereby the petitioner was demoted and to recover the excess salary paid to the petitioner.

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

3. The case of the petitioner is that he was appointed as a Clerk on 19.09.1992 in the third respondent Society by the then Special Officer. Based on seniority and his unblemished service record, the petitioner was promoted to the post of Secretary on 01.04.2003. In the meantime, on 31.10.2012, a settlement under Section 18(1) of the Industrial Disputes Act was entered into between the employees and the third respondent Society, revising the pay scale for employees



W.P(MD)No.22869 of 2025

WEB COPY

in various posts. This settlement was also approved by the second respondent.

Based on the said settlement, the petitioner's pay scale was revised in his capacity as a Clerk. Similarly, a subsequent settlement was reached in 2018, after the petitioner had been promoted to Secretary, pursuant to which his pay was again revised in the post of Secretary. On 27.11.2024, the second respondent sought a report from the third respondent and other societies regarding the eligibility of individuals mentioned in a specific column for regularization, and whether their promotions were valid. In response, on 08.01.2025, the third respondent submitted a report to the second respondent concerning the petitioner's promotion to Secretary. Subsequently, the first respondent, vide proceedings dated 12.12.2025, also sought a report. The second respondent again requested a report from the third respondent, which was duly submitted. After considering the reports, the second respondent, by the impugned communication dated 02.05.2025, directed the third respondent to demote the petitioner from the post of Secretary and to recover the excess salary paid. Aggrieved by the same, the present writ petition has been filed.



W.P(MD)No.22869 of 2025

WEB COPY 4. The learned counsel for the petitioner submits that the petitioner was initially appointed as a Clerk in 1992 and after more than a decade of satisfactory service, was promoted to Secretary. Since then, he has continued in the said post without any adverse remarks. His contention is that once the petitioner has been working in the substantive post of Secretary and receiving salary under the revised scale of pay, the same ought to have been approved by respondents 1 and 2. Instead of granting such approval, the impugned order seeks to demote the petitioner and recover salary already paid, which, according to the learned counsel, is impermissible in law. Accordingly, he prays for appropriate orders.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submits that the third respondent Society is governed by a sanctioned cadre strength and that any appointment must be made strictly in accordance with Rule 149 of the Tamil Nadu Cooperative Societies Rules. In this case, the petitioner's initial appointment as Clerk was made contrary to the cadre strength and without the approval or regularization by the competent authority. Therefore, his continued service in that post and his subsequent promotion to Secretary, are not legally sustainable. As the third respondent did not comply with



W.P(MD)No.22869 of 2025

WEB COPY

the mandatory procedures under Rule 149, the impugned order is justified and does not warrant interference by this Court. Accordingly, he prayed for dismissal of this writ petition.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Considering the submissions made by the parties and on perusing the materials placed on record, this Court is of the considered view that the petitioner's appointment and subsequent promotion were not made in accordance with the statutory provisions governing the service conditions of employees in cooperative societies. Specifically, the learned Additional Government Pleader has rightly pointed out that the third respondent Society is bound by the cadre strength and the procedure prescribed under Rule 149 of the Tamil Nadu Cooperative Societies Rules. It is evident that the petitioner's initial appointment as Clerk was not approved or regularized by the competent authority. In the absence of such approval, his continued service and eventual promotion to the post of Secretary cannot be held to be valid or lawful. Therefore, this Court finds



W.P(MD)No.22869 of 2025

WEB COPY

no infirmity in the cancellation order dated 02.05.2025 passed by the second respondent directing the demotion of the petitioner and recovery of excess salary paid.

8. The writ petition stands dismissed with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

22.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



W.P(MD)No.22869 of 2025

WEB COPY

To

1. The Joint Registrar of Co-Operative Societies,
Madurai Region,
Madurai.
2. The Deputy Registrar of Co-Operative Societies,
Madurai Circle,
Madurai.
3. The Administrator / Co-Operative Sub Registrar,
A.3072, Co-Operative Department and Co-Operative
Audit Department Staffs and Co-Operative Thrift
and Credit Society Ltd,
Madurai.



WEB COPY



W.P(MD)No.22869 of 2025

M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.22869 of 2025**

DATED : 22.08.2025