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WA No. 2605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 2605 of 2023 AND
CMP NO. 22001 OF 2023**

The President

LIC Employees Co Operative Bank Ltd., United
India Buildings, Post Box No.2036, Chennai 108.

..Appellant

Vs

1. R. Ponnuvelu
S/o. R. Ranganathan, No.187, Velacherry
Road, Selayur, Chennai 18.
2. The Additional Registrar of Co Operative
Societies, Chennai Region, TANFED Building
3 rd Floor, Abiramapuram, Chennai 18.

..Respondents

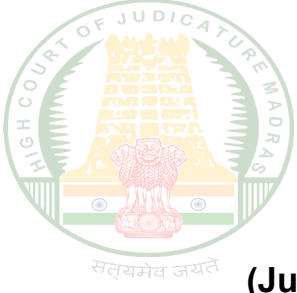
Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order passed in Writ Petition No. 3083 of 2014 dated 30.03.2023.

For Appellant :

Mr.G.Ilamurugu

For Respondents :

Mr.C. Prakasam - For R1
Dr.R.Gouri
Government Counsel – for R2

**Judgment****(Judgment of the Court was delivered by S.M.Subramaniam J.)**

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The present intra court appeal has been instituted to assail the writ order dated 30.03.2023 passed in W.P.No.3083 of 2014.

2. The facts in brief required for consideration in the present appeal are, the first respondent / writ petitioner was initially appointed to the post of Assistant on 06.11.1978. He was promoted to the post of Assistant Accountant on 01.01.2004 during the ban period and he was reverted and again regularly promoted to the said post on 01.11.2007. The first respondent was further promoted to the post of Manager on 29.11.2008 and thereafter to the post of Secretary / General Manager on 01.02.2013 on completion of five years and three months period. Admittedly, the first respondent retired on attaining the age of superannuation on 30.06.2013. During the eve of his retirement, the first respondent was reverted back to the post of Manager vide proceedings dated 26.06.2013 and allowed to retire from services from post of Manager.

3. The first respondent filed the writ petition seeking to quash the order passed by the Additional Registrar dated 17.01.2014 issued under Section 153 of the Tamil Nadu Cooperative Societies Act upholding the order of



reversion passed by the Management and for consequential relief to settle his retirement benefits in the post of Secretary / General Manager. The writ Court considered the issue and allowed the writ petition granting relief as such sought for in the writ proceedings. Thus, the Cooperative Society preferred the present intra court appeal.

4. Learned counsel for the appellant would mainly contend that as per the second proviso to Rule 149 of the Tamil Nadu Cooperative Societies Rules, six years of satisfactory service is required for promotion to the post of Secretary / General Manager from the post of Manager.

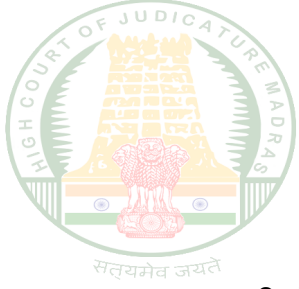
5. In the present case, the first respondent has completed five years and three months. Secondly, the first respondent is not possessing degree qualification which is prescribed under the Rules. He has completed SSLC with Diploma in Cooperative Training and therefore he is not qualified for promotion to the post of Secretary / General Manager. Considering the fact that the first respondent is not qualified to hold the post of Secretary / General Manager, the Board passed the order of reversion on 26.06.2013, which was challenged by way of a revision proceedings under Section 153 of the Cooperative Societies Act before the Registrar. The revisional authority has elaborately considered the issue and held that the order of reversion is in



accordance with the second proviso to Section 149 and further the first respondent did not possess the educational qualification of degree to hold the post of General Manager / Secretary.

6. Per contra, the learned counsel appearing for the first respondent would oppose by stating that no degree qualification is required for promotion to the post of Secretary / General Manager. Considering his length of service, the first respondent was promoted to the post of Manager and General Manager. He was appointed in the year 1978. Therefore, degree qualification is not required and thus there is no infirmity. The Writ Court, considering these facts granted the relief and the writ appeal deserves to be rejected. He would further contend that from 2001 to 2006, the ban on appointments and promotions was in force and therefore he was regularly appointed to the post of Assistant Accountant on 01.11.2007. Thereafter, he was promoted to the post of Manager in the year 2008 and as a General Manager / Secretary in the year 2013. Therefore, the writ Court had considered the length of service and granted the relief.

7. This Court has considered the rival submissions made between the parties to the lis on hand.



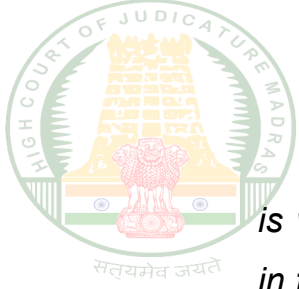
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8. Promotions are to be granted strictly in accordance with the Rules in force. Promotion *per se* cannot be claimed as an absolute right. Consideration for promotion is a fundamental right of an employee. Whenever an administrative decision is taken to fill up the promotional post, the authority competent is bound to consider the names of all the candidates who are all eligible for promotion to the higher post.

9. In the present case, the appellant is a Cooperative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. The conditions of services of paid officers and servants of Societies are contemplated under Rule 149 of the Tamil Nadu Cooperative Societies Rules. Second proviso to Rule 149(1) is extracted hereunder:

“ [Provided that in the case of the post, other than the post of Manager, Superintendent and above] a minimum period of three years of satisfactory service shall be prescribed for eligibility for promotion from one category to the immediate next higher category of post:

[Provided further that no person shall be eligible for appointment to the post of Manager, Superintendent and above by promotion, unless he has completed atleast one year of satisfactory service in the category of post in which he



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is working and not less than six years of satisfactory service in the category of posts in which he is working and the feeder category of post to which he is working combined together.”

10. Pertinently, the by-laws relating to staff members of the appellant Cooperative Society as approved by the Registrar speaks about the qualifications for the post of Secretary, which was subsequently designated as General Manager. By-law 23 reads as under:

“ 2.2. No person shall be eligible for the post mentioned below unless he possesses the qualification noted against them:

I.Secretary:

- a) The degree of B.A., or B.Com., or B.Sc., of any of the recognised Universities; and*
- b) A course of training successfully undergone in the Government Institute of Commerce, Madras or in the Central Cooperative Institute, Madras or in any of the moffussil institutes; or*
- c) A pass in the Government Technical Examinations in Book-keeping, Banking, Co-operation and Auditing, or the examinations in these subjects held by the Central Co-operative Institute, Madras or the Tamil Nadu Co-operative Union.”*

11. Therefore, degree is the qualification prescribed for the post of Secretary / General Manager. Admittedly, the first respondent possesses only



SSLC with Diploma in Cooperative Training. Therefore, the Board found that he is not qualified to hold the post of Secretary / General Manager. Once the educational qualification is prescribed for a particular post, the said qualification is mandatory both for appointment and promotion unless the Rule contemplates a different qualification for promotion. In the present case, the qualification prescribed for the post of Secretary / General Manager under By-law 23 is unambiguous that the candidate must possess the qualification of B.A. or B.Com or B.Sc from any recognised University and Cooperative Training. That apart, a pass in the Government Technical Examinations in Book-keeping, Banking, Co-operation and Auditing, or the examinations in these subjects held by the Central Co-operative Institute, Madras or the Tamil Nadu Co-operative Union are also desirable.

12. This Court is of the considered opinion that the order of reversion passed by the Management vide proceedings dated 26.06.2013 is in consonance with Rule 149(1) of the Tamil Nadu Cooperative Societies Rules and the approved bylaws of the appellant Society. The revisional authority, while passing final order under Section 153 of the Act, elaborately considered the issues and held that the first respondent is not qualified to hold the post of Secretary / General Manager. The Writ Court has not considered the Rule relating to appointment / promotion to the post of Secretary / General Manager



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as well as the qualifications prescribed in the approved bylaws. For all these reasons, the order passed by the Writ Court dated 30.03.2023 in W.P.No.3083 of 2014 is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

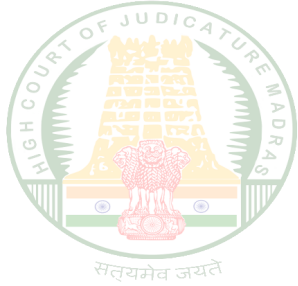
(S.M.S.,J.) (N.S.,J.)
22-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST

To

1. The President
LIC Employees Co Operative Bank Ltd.,
United India Buildings, Post Box No.2036, Chennai 108.
2. The Additional Registrar of Co Operative Societies
Chennai Region, TANFED Building 3 rd Floor,
Abiramapuram, Chennai 18.



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**S.M.SUBRAMANIAM J.
AND
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