2026:MHC:3862

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 07.09.2026

PRONOUNCED ON : 21.09.2026

CORAM

THE HON'BLE MR.JUSTICE **C.V.KARTHIKEYAN**
AND
THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**

W.A(MD)Nos.373 of 2024 and 151 of 2025
and
C.M.P.(MD)Nos.3250 of 2024 and 986 of 2025
CNR:{HCMD010102912024}

Case QR

W.A.(MD)No.373 of 2024:-

The Administrator,
Sp.Spl.13, Krishnapuram Primary Agricultural
Cooperative Credit Society,
Virudhunagar District. ... Appellant

vs

1.N.Kalimuthu

2.The Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.

3.The Deputy Registrar of Co-operative Societies,
Aruppukottai Circle, Virudhunagar District.

4.R.Nagalakshmi ...Respondents

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the the order passed by the learned Single Judge, dated 06.12.2023 in W.P.(MD)No.25920 of 2023.

For Appellant : Mr.T.Ravichandran
For R1 : Mr.D.Shanmugaraja Sethupathi
For R2 and R3 : Mr.M.Kannan
Government Advocate
For R4 :Mr.R.Karunanidhi

W.A.(MD)No.151 of 2025:-

R.Nagalakshmi ... Appellant

vs

1.N.Kalimuthu

2.The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.

3.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Aruppukottai Circle, Virudhunagar District.

4.The Administrator,
Sp.Spl.13, Krishnapuram Primary Agricultural
Cooperative Credit Society,
Virudhunagar District. ...Respondents

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W.P.(MD)No.25920 of 2023.

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For Appellant : Mr.R.Karunanidhi
For R1 : Mr.D.Shanmugaraja Sethupathi
For R2 and R3 : Mr.M.Kannan
Government Advocate
For R4 : Mr.T.Ravichandran

*****

COMMON JUDGMENT

(Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

Both the Writ Appeals emanate from an order of the learned Single Judge, dated 06.12.2023 in W.P.(MD)No.25920 of 2023, which had been filed by the first respondent herein.

2.W.P(MD)No.25920 of 2023 had been filed in the nature of a Certiorarified Mandamus seeking records relating to the proceedings of the third respondent herein, dated 20.02.2023 and also the consequential order, dated 10.10.2023 issued by the appellant in W.A(MD)No.373 of 2024 and to quash both and for a direction to the respondents in the Writ Petition to permit the Writ Petitioner to work continuously in the promotional post of Attender consequent to the order of promotion, dated 01.09.2022.

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3.The third respondent in the Writ Petition has filed W.A.(MD)No. 373 of 2024 and the fourth respondent in the Writ Petition has filed W.A(MD)No.151 of 2025.

4.Since both the Writ Appeals have been filed questioning the same order passed by the learned Single Judge, a common judgment is passed in the present Writ Appeals.

5.The Writ Petitioner/first respondent herein, N.Kalimuthu, had joined Krishnapuram Primary Agricultural Cooperative Credit Society (Krishnapuram Society) as Salesman on 16.06.2014. He was promoted to the post of Attender/Fertilizer Salesman by order, dated 01.09.2022. He challenged a show cause notice issued by the Deputy Registrar of Cooperative Societies, Aruppukottai Circle, Virudhunagar, dated 20.02.2023 issued to the Administrator of Krishnapuram Society seeking explanation for alleged unlawful promotion granted in his favour.

6.Subsequently, the appellant in W.P.(MD)No.373 of

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2024/Administrator, Krishnapuram Society, had issued a show cause notice on 10.10.2023 to the Writ Petitioner seeking explanation as to why his promotion should not be cancelled. Both the notices were challenged before the learned Single Judge.

7.It is to be noted that the Writ Petitioner had been appointed as Salesman in a fair price shop run by Krishnapuram Society on 16.06.2014. The appellant in W.A(MD)No.151 of 2025, R.Nagalakshmi, who was the fourth respondent in the Writ Petition, had been appointed as Saleswomen in fair price shop run by Pudupatti Primary Agricultural Cooperative Credit Society (Pudupatti Society) much earlier. That Society became financially unviable and therefore, the fair price shop run by the Society was merged with Krishnapuram Society by the order of the District Supply Officer, dated 11.01.2009.

8.The appellant in W.A(MD)No.151 of 2025, R.Nagalakshmi had been appointed as Saleswoman in Pudupatti Society and had joined on 08.05.1998. The Society was running fair price shops at Kilavaneri and Allipuram Villages. They became financially unviable. Therefore, the

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District Revenue Officer, passed an order for merger Pudupatti Society with Krishnapuram Society. By order of the District Collector, Virudhunagar, the appellant, R.Nagavalli and other employees of Pudupatti Society were transferred to Krishnapuram Society. In G.O.Ms.No.145, dated 05.06.205, exemption was granted for the applicability of Rule 149(2) of the Tamil Nadu Cooperative Rules, 1988. It is to be noted that Pudupatti Society was actually merged with Krishnapuram Society.

9.The Writ Petitioner, N.Kalimuthu, had been appointed as Salesman on selection by the District Recruitment Bureau and posted to Krishnapuram Society on 16.06.2014. He was promoted as Attendor on 01.09.2022. This promotion was challenged by R.Nagavalli, the appellant in W.A.(MD)No. 151 of 2025 as the said promotion was granted overlooking her claim.

10.The District Registrar, Cooperative Societies, Aruppukottai Circle, issued a show cause notice on 20.02.2023 to the Administrator, Krishnapuram Society seeking an explanation as to how the Writ Petitioner was promoted overlooking the claim of R.Nagavalli appellant in W.A. (MD)No.151 of 2025. Subsequently, in continuation of that show cause

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notice, the Administrator, Krishnapuram Society, who is the appellant in W.A(MD)No.373 of 2024 had issued a further show cause notice to the Writ Petitioner calling upon him to give an explanation as to why his promotion should not be cancelled. These two proceedings were challenged before the learned Single Judge by filing Writ Petition.

11.The learned Single Judge in his order observed stated that the appellant in W.A.(MD)No.151 of 2025, R.Nagavalli, had only been deputed to Krishnapuram Society and that a request had been made to re-transfer her to Pudupatti Society, since that Society had been revived and therefore, held that the Writ Petitioner had been correctly promoted and that the show cause notices issued to Krishnapuram Society and to the Writ Petitioner were unwarranted and therefore, had quashed both the notices. The learned Single Judge further extracted Rule 149(2-A) of the Tamil Nadu Cooperative Societies Rule, 1988, wherein, it had been stipulated that deputation should be for a period of not less than one year and not exceed three years. The learned Single Judge stated that there was no concept of transfer of employees from one Society to another Society except in the case of merger and therefore, held that the appellant in W.A(MD)No.151 of 2025

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cannot claim seniority in promotion in Krishnapuram Society.

12.The learned Single Judge placed reliance on the judgment of the Division Bench of this Court reported in ***(2009) 4 MLJ 955 (R.Seeniyappan -vs. Industries Commissioner and Director of Industries and Commerce, Chepauk, Chennai and others)***, wherein, it had been held that there cannot be absorption of surplus employees of other Societies. He further noted the stand of the appellant in W.A.(MD)No.151 of 2025 that she never claimed that she was senior to the Writ Petitioner but had only sought promotion. In view of the aforementioned reasons, the Writ Petition was allowed and both the proceedings were quashed.

13.Challenging the said order, the Administrator, Krishnapuram Society, filed W.A(MD)No.373 of 2024 and R.Nagavalli filed W.A(MD)No.151 of 2025.

14.It had been argued on behalf of the appellants by Mr.R.Karunanidhi and Mr.T.Ravichandran, learned Counsels that the learned Single Judge had failed to observe that there was actually merger of

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the two Societies by the order of the District Collector, Virudhunagar, dated 11.01.2009 and once there was a merger, the staff of the two Societies integrated with each other and one common staff list had to be maintained. It was pointed out that the appellant in W.A.(MD)No.151 of 2025 had been appointed on 08.05.1998 and consequent to the order of merger, had joined at Krishnapuram Society in the year 2010 itself. It was therefore, contended that when the post of Attender fell vacant in Krishnapuram Society, she should have been promoted to that post. It was therefore pointed out that the reasoning of the learned Single Judge has to be necessarily interfered with.

15.The learned Counsel for the first respondent, Mr.D.Shanmugaraja Sethupathi, however, supported the order of the learned Single Judge and argued that the appellant in W.A(MD)No.151 of 2025 cannot claim promotion to the post of Attender as a matter of right. He argued that the learned Single Judge had correctly appreciated the facts and therefore, urged that the order of the learned Single Judge does not warrant any interference.

16.We have carefully considered the arguments advanced and

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perused the materials records.

17.The Writ Petition had been filed questioning two separate proceedings. The first one was the proceedings of the Deputy Registrar of Cooperative Societies, Aruppukottai Circle, dated 20.02.2023 issued to the Administrator, Krishnapuram Society seeking an explanation as to how the Writ Petitioner had been promoted overlooking the *bona fide* claim of the appellant in W.A(MD)No.151 of 2025. It was pointed out that the appellant in W.A.(MD)No.151 of 2025 had been working as Saleswoman in Pudupatti Society. It had been merged subsequently by the order of the District Revenue Officer with Krishnapuram Society. She had been working in Krishnapuram Society from 28.01.2010.

18.The records also reveal that she had been working from 10.09.2003 on regular service. Holding that promotion given to the Writ Petitioner as Attender was in violation of the existing Rules, overlooking the legitimate claim of the appellant in W.A(MD)No.151 of 2025, an explanation was sought from the Administrator, Krishnapuram Society. It is thus seen that the proceedings impugned in the Writ Petition was a notice issued to the Administrator, Krishnapuram Society, seeking an explanation

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justifying the promotion granted to the Writ Petitioner. There was no order passed reverting the Writ Petitioner from the post of Attender. It was only a preliminary notice issued calling for explanation. This has been issued under Section 166 of the Tamil Nadu Cooperative Society Act, 1983. Section 166 of the Tamil Nadu Cooperative Society Act, 1983, empowers the Registrar to enforce performance of a duty. The Writ Petitioner had not questioned the jurisdiction of the authority, who had issued the said notice. It must be kept in mind that though the learned Single Judge was of the opinion that there was a deputation of the staff, it is not so. It was only a merger of the two Societies.

19.The second proceedings, which had been impugned in the Writ Petition dated 10.10.2023, was a show cause notice issued to the Writ Petitioner by the President of Krishnapuram Society. In the said notice, again, explanation alone was sought, as to why his promotion should not be cancelled. The Writ Petitioner could have submitted his explanation. It is also further noted that it was not the final order actually cancelling promotion, but was only a show cause notice issued. The authority who issued the notice, namely, the Administrator, Krishnapuram Society, had

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every authority to issue such notice. He only sought information and an explanation.

20.We hold that the Writ Petitioner had rushed to the Court prematurely even without giving an explanation to the said notice.

21.It is also to be noted that a Revision would lie to the Registrar against any proceedings in which, an appellate provision is not available under Section 152 of the Tamil Nadu Cooperative Societies Act, 1983. A revision would lie under Section 153 of the Act. The Writ Petitioner had not availed that efficacious alternate remedy.

22.The judgment relied on by the learned Single Judge is not applicable to the facts of this case, since there had been merger two Societies and on merger, there had been integration of staff and therefore, when the promotion avenue opened up, the senior should have been promoted and not the junior. There can be no doubt that the appellant in W.A.(MD)No.151 of 2025 was senior by several years to the Writ Petitioner. Therefore, the facts in the judgment referred by the learned

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Single Judge are certainly distinguishable. More over, both the impugned proceedings were only Show Cause Notices issued calling for explanation and therefore, without giving any explanation, the Writ Petition had been filed prematurely.

23.We therefore hold that the order of the learned Single Judge necessarily has to be interfered with and accordingly, the order passed by the learned Single Judge, dated 06.12.2023 is set aside. The Writ Petition stand stands dismissed. We permit further proceedings to be issued after obtaining necessary explanation from the Writ Petitioner and from the appellant in W.A.(MD)No.373 of 2024/Administrator, Krishnapuram Society regarding the promotion of the Writ Petitioner to the post of Attender.

24.In result, the Writ Appeals stand allowed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] & [R.S.V., J.]
21.09.2026

Index :Yes/No
NCC :Yes/No
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To

1.The Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.

2.The Deputy Registrar of Co-operative Societies,
Aruppukottai Circle, Virudhunagar District.

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C.V.KARTHIKEYAN, J.

AND

R.SAKTHIVEL. J.

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Pre-delivery Common Judgment made in
W.A(MD)Nos.373 of 2024 and 151 of 2025

21.09.2026

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