

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.A.No.322 of 2015

and M.P.No.1 of 2015

The Tamil Nadu Circle Postal
Co-operative Bank Ltd.,
Rep. by its President, Mr.C.Janakiraman. ... Appellant

-vs-

1. The Central Registrar of Co-operative Societies, Dept. Of Agriculture & Cooperation, Ministry of Agriculture, Govt. Of India, Krishi Bhawan, New Delhi.
2. Mr.Nirmal Singh, IAS (Rtd.) Arbitrator, A-81, Section-46, Noida.
3. Ezhil Rosaline, President.
4. K.Gunasekar, Director.
5. D.Rajendran, Director.
6. D.Ravi, Director.
7. S.Sundaramoorthy.
8. K.A.Sultan Mohideen.
9. V.Venkatraman

(RR3 to 9 impleaded as per order
of Court dt.04.03.2015 in WP) ... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 03.02.2015 in W.P.No.30469 of 2014 on the file of this Court.

Petition filed under Article 226 of the constitution of India for issuance of a writ of certiorari callup for the entire records relations to the impushed communication passed by the 1st respondent F.No-R-11017/33/2012/L&m dated 14.11.2014 and quash the same as illegal and unlawful.

For Appellant : Mr.V.Raghavachari
For Respondents : Mr.Su.Srinivasan,
Asst. Solicitor Genl. For R-1
: Mr.P.R.Raman
for Mr.J.Suresh for RR 3 to 9

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The proceedings started on the allegation that the private respondents had disqualified themselves to be members of the Board and ceased to be so having absented themselves for three consecutive meetings. This issue was referred to arbitration and the order dated 14.11.2014 was passed by the Deputy Director (Cooperation) directing that during the pendency of the arbitration proceedings, the alleged disqualification would stand nullified. The endeavour of the appellant to assail this order resulted in an adverse verdict in W.P.No.30469 of 2014, decided on 19.12.2014, which is now assailed before us.

2.We had noted on the first date of hearing of 04.03.2015 itself that a preliminary issue was raised before the Arbitrator with regard to maintainability, over which an appeal was filed under Section 37 of the Arbitration and Conciliation Act, 1996, (hereinafter referred to as 'the said Act'), being O.P.No.466 of 2014, before this Court and the matter was adjourned awaiting the verdict in the said appeal. The jurisdictional issue raised in O.P.No.466 of 2014 ended in an adverse order against the appellant. Subsequently, the learned Arbitrator has passed an award on merits.

3.In so far as the order dated 14.11.2014 is concerned, that was in the nature of interim arrangement and the main matter, being arbitration proceedings, itself has been concluded by the Arbitrator post the decision in the appeal under Section 37 of the said Act.

4.We, thus, dispose of the appeal, the subject matter having become infructuous. No costs. Consequently, M.P.No.1 of 2015 stands closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

sra

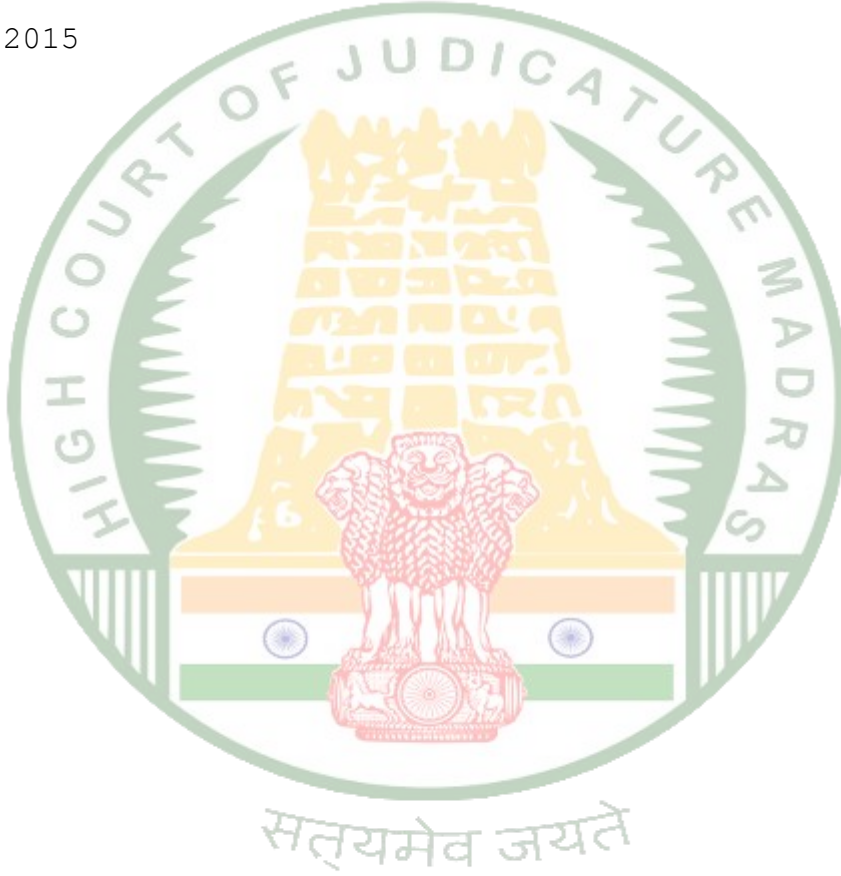
To

The Central Registrar of Co-operative
Societies, Dept. Of Agriculture & Cooperation,
Ministry of Agriculture, Govt. Of India,
Krishi Bhawan, New Delhi.

+1cc to M/s.V.Raghavachari, Advocate sr.no.31877
+1cc to M/s.J.Suresh, Advocate sr.no.32254

W.A.No.322 of 2015

mp[co]
srg 31.07.2015



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