

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.22065 of 2014
and M.P.No.1 of 2014

B.Sekar
S/o.G.Balaraman No.3/11 Avvaiyar Street
Manavalan Nagar Thiruvallur 602 002

Petitioner

Vs

- 1 Union of India
Rep by the Chief Personnel Officer Southern
Railway Park Town Chennai 3
 - 2 The Registrar of Societies
Madras Central Chennai
 - 3 All India other Backward
Classes Railway Employees Assn. rep by The
President Central Despatch Office Head
Quarters GM Office Southern Railway Park
Town Chennai 3
 - 4 J.K.Pudiyevan General
Secretary All India Other Backward Classes
Railway Employees Assn. Central Despatch
Office, Head Quarters GM Office Southern Railway Park
Town Chennai 3
- Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondents 1 and 2 to nominate their officials to conduct election of office bearers of the Committee of the 3rd respondent Association at the zonal level by adopting Secret Ballot so as to enable all the members of the 3rd respondent Association to poll their vote for electing their representatives in all levels as per the provisions of the Tamilnadu Societies Registration Act 1975 and the rules and regulations framed thereunder and then elect the General Secretary through the elected members or any other appropriate writ

For petitioner :: Ms. M. Srividhya
For respondents:: Mr. P.T. Ramkumar for R1
Mr. R. Vijayakumar, AGP for R2
Mrs. A.L. Ganthimathi for RR3 and 4

ORDER

The petitioner seeks for a direction to the respondents 1 and 2 to nominate their officials to conduct election of office bearers of the Committee of the third respondent-Association at the zonal level by adopting Secret Ballot so as to enable all the members of the third respondent-Association to poll their vote for electing their representatives in all levels as per the provisions of the Tamil Nadu Societies Registration Act 1975 and the Rules and Regulations framed thereunder and then elect the General Secretary through the elected members.

2. In fact, in an identical issue in W.P.No.22357 of 2014 dated 09-03-2015, this Court passed the following order:

"Heard Mr.A.Thiyagarajan, learned Senior Counsel for the petitioner, Mr.P.T.Ramkumar, learned Standing Counsel for R1 and Mr.AR.L.Sundaresan, learned Senior counsel appearing for R4.

2. I have perused the materials placed on record including the typed set of papers and the documents annexed in the additional typed set of papers.

3. The petitioner seeks for a direction upon the first respondent to conduct an election, based on the voters list, that were existed in the year 2006 with independent election committee and independent observers by considering the representation of the petitioner dated 13.06.2014.

4. The petitioner would state that nothing has happened from the year 2006 onwards and it is time enough for the Railway Administration to appoint an observer and conduct the election of the third respondent Association in proper and fair manner. In this regard, reference was made to the opinion secured under Right to Information Act.

5. It is to be noted that the third respondent-Association is a registered association under the provisions of the Tamil Nadu Societies Registration Act and they have got their own bye-laws. Therefore, if at all the petitioner is of the view that certain of its members or the body, which is supposed to conduct an election is not functioning in accordance with the bye-laws, then he has to accept the terms and conditions available under the bye-laws and then approach the authorities, who administer the association and who registers the Form VII Notification.

6. In such circumstances, no relief as sought for by the writ petitioner could be granted. Accordingly, this writ petition fails and the same is dismissed.

However, this will not prevent the petitioner from working out his remedies under the provisions of the bye-laws of the Association. No costs. "

3. In the light of the above, the relief sought for in the writ petition cannot be granted and the writ petition is dismissed. However, this will not prevent the petitioner from working out his remedies under the provisions of the bye-laws of the Association. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Chief Personnel Officer Southern
Railway, Park Town, Chennai 3
- 2 The Registrar of Societies
Madras Central Chennai
- 3 The President, All India other Backward
Classes Railway Employees Assn.
Central Despatch Office Head
Quarters GM Office Southern Railway Park
Town Chennai 3

+1 cc to M/s.M.Srividhya, Advocate, SR.15877

+1 cc to M/s.Al.gandhimathi, Advocate, SR.15476

+1 cc to Mr.P.T.Ramkumar, Advocate, SR.15673.

vd(co)
krd 1/4

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