

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22357 of 2014

A.Ramesh

.. Petitioner

vs.

1. The Chief Personnel Officer
Southern Railway, Head Quarters
Office, Personnel Branch
Chennai 600 003.
2. The District Registrar (Administration)
Central Chennai, Chennai 600 014.
3. All India Other Backward Classes
Railways Employees' Association
(Regn.291/94), Southern Railways
No.97, Fisher Road
Ayanavaram, Chennai 600 023.
4. J.K.Puthiyavan
5. D.Sezgiyan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing 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.

For Petitioner : Mr.A.Thiyagarajan
Senior counsel for
Mr.S.Ramesh Kumar

For Respondents: Mr.P.T.Ramkumar for R1
Mr.AR.L.Sundaresan
Senior Counsel for
M/s.A.L.Ganthimathi for R4
No appearance for
for RR2, 3 and 5

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.

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Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

vj2

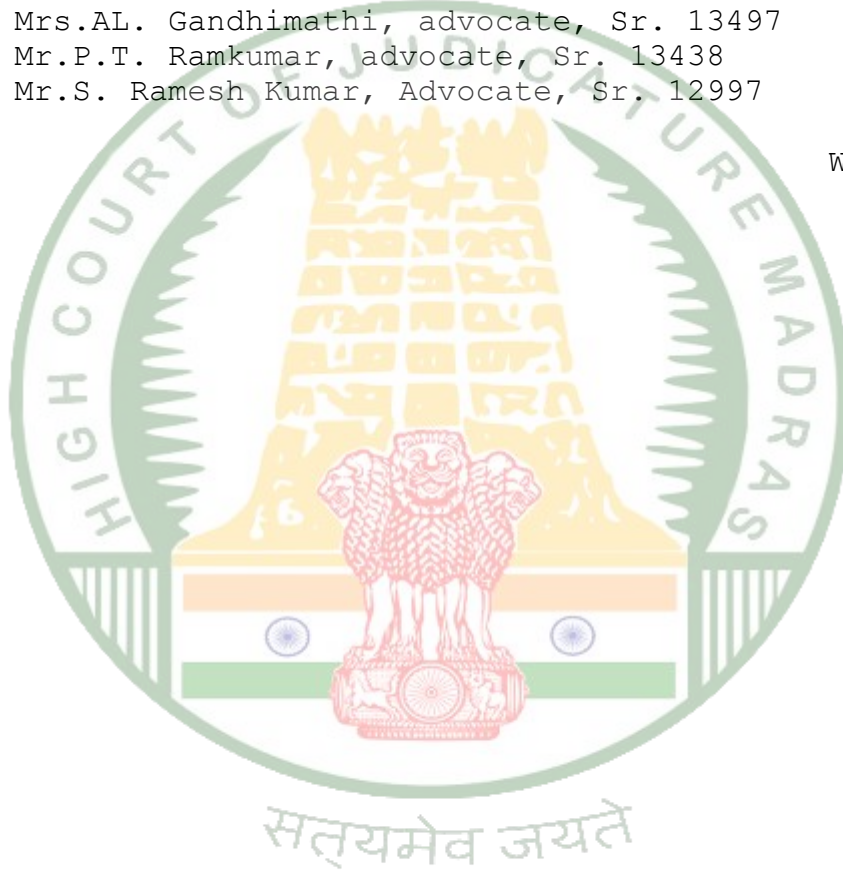
To

1. The Chief Personnel Officer
Southern Railway, Head Quarters
Office, Personnel Branch
Chennai 600 003.
2. The District Registrar (Administration)
Central Chennai, Chennai 600 014.

1 cc to Mrs.AL. Gandhimathi, advocate, Sr. 13497
1 cc to Mr.P.T. Ramkumar, advocate, Sr. 13438
1 cc to Mr.S. Ramesh Kumar, Advocate, Sr. 12997

WP.No.22357 of 2014

SR (CO)
kk 19/3



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