

In the High Court of Judicature at Madras

Dated : 27.11.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.Nos.425 and 637 of 2015

O.P.No.425 of 2015

K.Sankara Narayaan,
(Member-The Railway Employees
Cooperative Credit Society Limited)
No.5, 6th street, Periyar Nagar III,
Oorapakkam,
Chenglepet-603 201. .. Petitioner

-vs-

1. Central Registrar Cooperative Societies,
Government of India,
Ministry of Agriculture,
Department of Agriculture and Cooperation,
Krishi Bhavan,
New Delhi-110 001.
2. The Joint Registrar,
Office of the Joint Registrar of Cooperative Societies,
No.91, St.Marrys Road,
Abhiramapuram,
Chennai-18.
3. The Railway Employees Cooperative
Credit Society Limited,
rep. by its Chief Executive,
Ashok Vihar Complex,
Old Zoo Road,
Chennai-600 003. .. Respondents

O.P.No.637 of 2015

G.Sivakumar .. Petitioner

-vs-

1. Central Registrar of Co-operative Societies,
<https://hcservices.ecourts.gov.in/hcservices/>
Government of India,
Ministry of Agriculture,
Department of Agriculture and Cooperation,

Shastri Bhawan,
New Delhi.

2.The Railway Employees Cooperative
Credit Society Limited,
rep. by its Chief Executive,
Ashok Vihar Complex,
Old Zoo Road,
(Newar Central Railway Station)
Chennai-600 003.

.. Respondents

Original Petition No.425 of 2015 filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an independent and impartial arbitrator in terms of Sec.11 of the Arbitration and Conciliation Act, 1996 for deciding the issues pertaining to the non-conduct of election and fabrication of election results to the Board of Directors of the Railway Employees Co-operative Credit Society Limited, Chennai-600 003.

Original Petition No.637 of 2015 filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to enter upon the reference and adjudicate the dispute that has arisen between the petitioner and the respondent under Section 84 of the Multi State Co-operative Societies Act on the application raising the dispute dated 09.04.2015 and the reply dated 29.04.2015 given by the 2nd respondent.

For Petitioner : Ms.D.Nagasaila

For Respondents : Mr.Jeyaganeshan for R1
Mr.Jeyaramaraj for R2
Mr.R.Muthukumaraswamy
Senior Counsel for
Mr.A.Jenaseanan for R3

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COMMON ORDER

The petitioners' endeavour earlier claiming that no election was held was not fruitful in W.P.No.10761 of 2013, dated 27.08.2014. The learned Single Judge held that election was conducted, but in the last paragraph observed as under:-

"12.Taking into consideration that the election has been duly conducted as early as in the year 2013, the petitioner now cannot seek for a mandamus to conduct the election. At the same time, this Court makes it clear that if the petitioner is aggrieved regarding the conduct of election, he is always at liberty to approach the competent authority under Section 84 of the Multi-State Co-operative Societies Act, 2002, by challenging the election in the manner known to law. The Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs."

2. It is in the aforesaid circumstances, within the period of thirty days from that order, the petitioner has invoked the jurisdiction of the Central Registrar of Co-operative Societies under Section 84 of the Multi-State Co-operative Societies Act, 2002 on 06.10.2014, but the appointment of the arbitrator has been declined by letter dated 19.11.2014 on the ground that it is beyond the

3. Since the petitioner was pursuing the litigation and specifically leave was granted in paragraph 12 in W.P.No.10761 of 2013, the aforesaid would not be the appropriate order. As to whether the petitioner has any valid grievance or not, would have to be determined by the arbitrator.

4. The learned counsel for the first respondent states that the arbitrator would be appointed within a period of thirty days from today and the issue of limitation, at request of the learned counsel for the third respondent, is left open to be examined by the arbitrator.

5. The Original Petitions, accordingly, stand disposed of. No costs.

Sd/(S.K.K., CJ.)
27.11.2015

//Certified to be a true copy//

Dated this the day of 2015.

R.s/15.12.2015

COURT OFFICER

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