

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3551 of 2015

And

M.P.No.1 of 2015

G.Kotteswaran

... Petitioner

Vs.

1.Executive Director (RES)
Railway Board,
Rail Bhavan,
New Delhi. 1.

2.General Manager /
Chief Personal Officer,
Southern Railway
Park Town, Chennai 3.

3.A.Gnanasekaran
Zonal Secretary
All India SC/ST Railway
Employees Association,
South Zone,
No.85, Carriage Works,
Ayanavaram, Chennai - 600 023.

4.All India SC/ST Railway
Employees Association,
Represented by its General
Secretary Mr.Ashok Kumar
Central Executive Committee,
No.171, B/3, Basant Lane,
Railway Colony,
New Delhi - 110 001.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus in the nature of writ to direct the respondents 2 and 3 to hold elections in a free and fair manner by appointing a neutral person as Election Officer to hold the election of All India SC/ST Railway Employees Association, South Zone for the period 2015 to 2018 after preparing the list of eligible voters by deleting the retired employees and adding new members to the list of

members enumerated by the Advocate Commissioner appointed by this Hon'ble Court in pursuance of orders in W.P.No.19350 of 2001.

For Petitioner : Mr.C.T.Mohan
For Respondents: Mr.P.T.Ramkumar for R1 and R2
Mr.S.Vijayakumar for R3

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents. With the consent of either side, this writ petition is taken up for final disposal at the admission stage itself.

2.Petitioner seeks for issuance of Mandamus to direct the respondents 2 and 3 to hold elections in a free and fair manner by appointing a neutral person as Election Officer.

3.The elections are to be conducted to elect the office bearers of an employee association. The members of the said association are railway employees and therefore, the petitioner now seeks for issuance of writ of mandamus by impleading the Railway Board and General Manager of Southern Railways as R1 and R2. Insofar as the relief sought for in the writ petition is as against the fourth respondent and the third respondent being the Zonal Secretary, in my view, there is absolutely no control exercised by the first and second respondent over the election to be conducted which is the internal affair of the association.

4.Therefore, the writ petition as against the fourth respondent for such a relief is not maintainable and hence the same is dismissed. However, this will not prevent the petitioner from agitating his rights before the appropriate forum.

5.This writ petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Executive Director (RES)
Railway Board,
Rail Bhavan,
New Delhi. 1.

2.The General Manager / Chief Personal Officer,
Southern Railway
Park Town, Chennai 3.

+ 1 cc to Mr.S. Vijayakumar, Advocate SR.7556

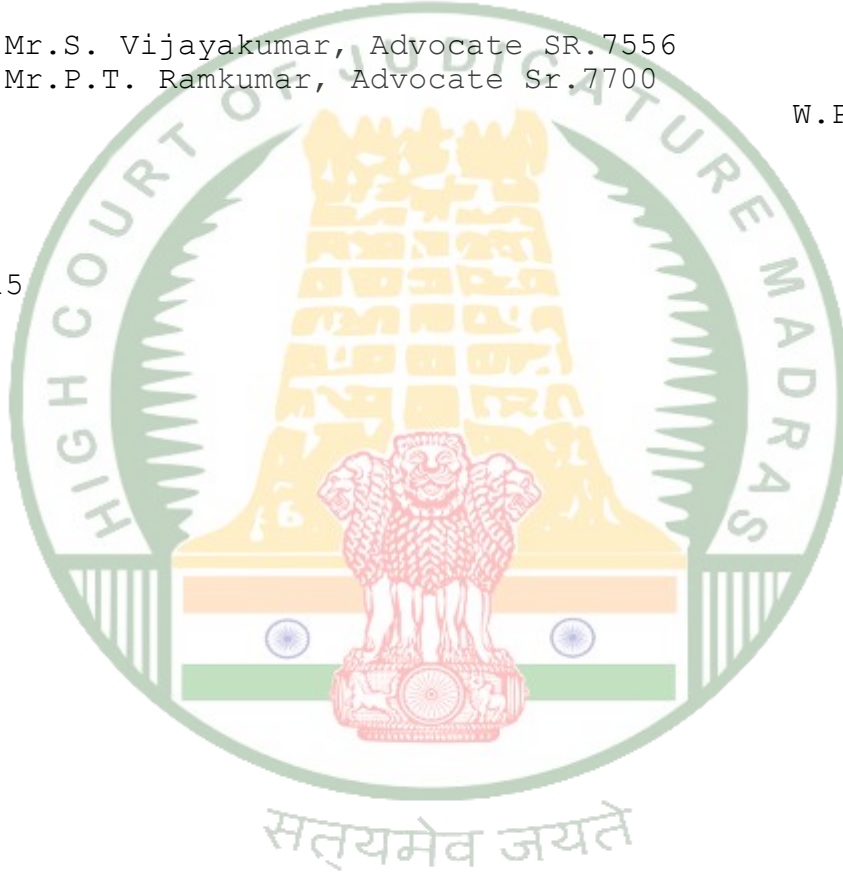
+ 1 cc to Mr.P.T. Ramkumar, Advocate Sr.7700

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