

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN

O.S.A.No.140 of 2016 and CMP.Nos.9914 & 9915 of 2016
and
C.S.No.309 of 2015

O.S.A.No.140 of 2016:

1.K.Valarmathy
2.S.Kaliyammal

... Appellants

Vs

1. V.Arunkumar.
Staff Nurse,
Government Institute of Mental Health,
Kilpauk, Chennai-600 010.
2. S.Palpandian,
Staff Nurse,
Tamil Nadu Government Multi-Super
Speciality Hospital,
Omandurar Estate, Chennai-600 002.
3. V.Balamurugan,
Staff Nurse,
Tamil Nadu Government Multi-Super
Speciality Hospital,
Omandurar Estate,
Chennai-600 002.
4. Tamil Nadu Government Nurses Association,
(Government Recognised)
rep. by its President P.Arivukan,
At Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.
5. P.Arivukan,
President,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-I,
At Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.

6. T.Leelavathi,
Secretary,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-II,
At Annal Gandhi Memorial Government Hospital,
Trichy District-620 017.
7. R.Kanakalatha,
Treasurer,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-II,
Government Stanley Medical College and Hospital,
Chennai-600 001.
8. Avudaithai,
Nursing Superintendent Grade-II,
Executive Committee Member-cum-Election Officer,
Working as Nursing Superintendent Grade-II,
Government Royapettah Hospital,
Royapettah, Chennai-600 014.
9. Preetha Begam,
Propaganda Secretary cum Election Officer,
Working as Staff Nurse,
At Annal Gandhi Memorial Government Hospital,
Trichy District - 620 017.
10. Saleem Bhatsha,
Election Officer,
Working as Staff Nurse at Government Hospital,
Kumbakonam, Thanjavur District-612 001.
11. Reetta,
Election Officer,
Working as Staff Nurse at Coimbatore Government
Medical College and Hospital,
Coimbatore District -641 402.
12. Pitchandi,
Election Officer,
Working as Staff Nurse at Government Vellore
Medical College and Hospital,
Vellore District - 632 001.
13. K. Sakthivel
14. M. Samuvel

15.T.Jayalakshmi,
Staff Nurse,
Tirunelveli Government Medical College Hospital,
Tirunelveli-627 011.

16.C.Geetha,
Staff Nurse,
Tiruppur Government Head Quarters Hospital,
Tiruppur District-641 605.

17.D.Manikandan,
Staff Nurse,
Tirunelveli Medical College Hospital,
Tirunelveli District - 627 011.

... Respondents

C.S.No.309 of 2015:

1. V.Arunkumar.
Staff Nurse,
Government Institute of Mental Health,
Kilpauk, Chennai-600 010.

2. S.Palpandian,
Staff Nurse,
Tamil Nadu Government Multi-Super
Speciality Hospital,
Omandurar Estate,
Chennai-600 002.

3. V.Balamurugan,
Staff Nurse,
Tamil Nadu Government Multi-Super
Speciality Hospital,
Omandurar Estate,
Chennai-600 002.

... Plaintiffs

Vs.

1. Tamil Nadu Government Nurses Association,
(Government Recognised)
rep. by its President P.Arivukan,
At Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.

2. P.Arivukan,
President,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-I,
At Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.

3. T.Leelavathi,
Secretary,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-II,
At Annal Gandhi Memorial Government Hospital,
Trichy District.
4. R.Kanakalatha,
Treasurer,
Tamil Nadu Government Nurses Association,
Working as Nursing Superintendent Grade-II,
Government Stanly Medical College and Hospital,
Chennai.
5. Avudaithai,
Nursing Superintendent Grade-II,
Executive Committee Member-cum-Election Officer,
Working as Nursing Superintendent Grade-II,
at Government Royapettah Hospital,
Royapettah, Chennai-600 014.
6. Preetha Begam,
Propaganda Secretary cum Election Officer,
Working as Staff Nurse,
at Annal Gandhi Memorial Government Hospital,
Trichy, Trichy District.
7. Saleem Bhatsha,
Election Officer,
Working as Staff Nurse at Government Hospital,
Kumbakonam, Thanjavur District.
8. Reetta,
Election Officer,
Working as Staff Nurse at Coimbatore Government
Medical College and Hospital,
Coimbatore District.
9. Pitchandi,
Election Officer,
Working as Staff Nurse at Government Vellore
Medical College and Hospital,
Vellore District.
- 10.K.Valarmathi
- 11.K.Sakthivel
- 12.S.Kaliyammal
- 13.M.Samuvel

14.T.Jeyalakshmi,
Staff Nurse,
Tirunelveli Government Medical College Hospital,
Tirunelveli.

15.C.Geetha,
Staff Nurse,
Tiruppur Government Head Quarters Hospital,
Tiruppur District.

16.D.Manikandan,
Staff Nurse,
Tirunelveli Medical College Hospital,
Tirunelveli District.
(Defendant Nos.10 to 13 impleaded as per
order in A.No.2997/2015, dt. 24.4.2015)
(Defendant Nos.14 to 16 impleaded as per
order in A.No.4274/2015, dt. 01.07.2015)

... Defendants

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order made in O.A.No.411 of 2015 in C.S.No.309 of 2015, dated 15.07.2015.

Civil Suit filed under Order VII, Rule 1 of Civil Procedure Code, 1908 read with Order IV, Rule 1 of Original Side Rules praying for a judgment and decree against the defendants for the reliefs (a) for a mandatory direction, directing the defendants 1 to 4 to convene the General Body Meeting of the Tamil Nadu Government Nurses Association to frame the Election Rules to conduct the elections as per the Registered bye-laws for the State Level Office bearers Posts of 1st defendant Association; (b) and for permanent injunction, restraining the defendants from conducting the elections on 18.04.2015 or any other date without framing the Election Rules and as per the registered bye-laws of the Association; (c) to direct the defendants to pay costs of this suit.

O.S.A.No.140 of 2016:

For Appellants : Mr.S.S.Rajesh
for
M/s.R.C.Paul Kanagaraj

For Respondents : Mr.K.Prem kumar for R1 to R3
Mr.Saravanakumar for R4 to R7
Mr.K.Srinivasa murthy for R8 to R12
Mr.N.Manokaran for R13
Mr.V.Raghavachari for R14 to R16

C.S.No.309 of 2015:

For Plaintiffs : Mr.K.Prem kumar

For Defendants : Mr.Saravanakumar for D1 to D4
Mr.K.Srinivasa murthy for D5 to D9
Mr.S.S.Rajesh
for
M/s.R.C.Paul Kanagaraj for D10 & D12
Mr.N.Manokaran for D11
Mr.V.Raghavachari for D13 to D15

COMMON JUDGMENT

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

We have heard the learned counsel for parties.

2. The learned counsel for parties state that the impasse should be broken and they jointly state that the only solution is holding fresh election in accordance with the rules under the supervision of an Officer appointed by this Court. It is stated that this would resolve the controversy in the suit also.

3. The learned counsel for parties jointly suggest that Mr.Jayesh B.Dolia, Advocate, (Mobile No.9841025290), No.59 'E' Block, Anna Nagar East, Chennai-600 102 be appointed as the Court Officer to carry out the aforesaid task, a suggestion which is acceptable to us.

4. The Association will render all assistance as may be necessary and the Court Officer is free to take the assistance from the other members of the Association for carrying out the task. The initial fee would be Rs.1,00,000/- (Rupees One Lakh), apart from out of pocket expenses to be borne by the association. The final fee would be fixed after the report is submitted seeing the extent of the work.

5. In view of the aforesaid, the learned counsel for the original plaintiffs also seeks to withdraw the suit. Suit file (C.S.No.309 of 2015) has thus been called and the suit stands dismissed as withdrawn. Endorsement has been made. No costs.

6. The appeal stands disposed of in the aforesaid terms. No costs. Consequently, C.M.P.Nos.9914 & 9915 of 2016 are closed.

7. For report of the Court Officer qua the election to be conducted, list for compliance on 21.10.2016.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras.

2.Mr.Jayesh B.Dolia,
Advocate,
No.59, 'E' Block, Anna Nagar East,
Chennai 102.

+1cc to Mr.K.Prem kumar, Advocate, S.R.No.28272
+2cc's to Mr.S.Saravanakumar, Advocate, S.R.No.38324
+2cc's to Mr.S.S.Rajesh, Advocate, S.R.No.38031

O.S.A.No.140 of 2016
&
C.S.No.309 of 2015

RSI (CO)
CA(13/07/2016)

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