

\$~21.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) No.2825/2016 & CM No.11894/2016 (for stay).
INDIA METEOROLOGICAL DEPARTMENT GAZETTED
OFFICERS ASSOCIATION Petitioner
Through: Mr. A.K. Singh, Adv.
versus

THE SECRETARY MINISTRY OF EARTH
SCIENCES AND ANR Respondents
Through: Mr. Rakesh Kumar, CGSC with Mr.
Subhash Khurana, Advs. for R-1&2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **06.04.2016**

1. This order is in continuation of the earlier order dated 1st April, 2016.
2. The counsel for the respondents has handed over in Court the instructions received by him in writing and the same are taken on record.
3. The counsel for the respondents states (i) that the petitioner Association was lying defunct for a number of years; (ii) that a certain group of gazetted officers, on their own, without adopting proper procedure have revived the petitioner association and appropriated affairs of the petitioner to themselves; (iii) that the respondent no.2 being the Director General of Meteorology, as the Head of the Department was receiving complaints from a large number of gazetted officers working with the Meteorological Department about mismanagement of the affairs of the petitioner association; (iv) that it is for this reason only that the petitioner has not been recognised by the respondents as the Association of the gazetted officers of the Meteorological Department; and, (v) that to avoid

unrest and infighting amongst the gazetted officers of the Meteorological Department, the respondent no.2 as Head thought it his duty to direct a membership drive to make the petitioner a representative body of the gazetted officers of Meteorological Department; that unless proper membership records are maintained in law, the gazetted officers are given opportunity to become members, and elections are held fairly and transparently, the respondents would not be in a position to deal with the petitioner as a representative body of the gazetted officers.

4. The counsel for the respondents however fairly adds that though the respondents are entitled to recognise or not to recognise the petitioner, but have no power under the Constitution of the petitioner to interfere in the affairs of the petitioner.

5. The counsel for the petitioner though does not dispute that the petitioner was lying defunct for a number of years but states that it has been properly and democratically revived.

6. In this state of affairs, the petition is disposed of with the following directions:-

- (a) that the impugned Circular dated 18th February, 2016 issued under instructions of the respondent no.2 Director General of Meteorology, Indian Meteorological Department for commencing a membership drive of the petitioner and for holding of the elections to the post of Office Bearers of the petitioner is set aside.
- (b) The same will however not amount to recognition of the Office Bearers of the petitioner or be deemed to bind the respondents

to deal with the petitioner as representative body of the gazetted officers of the Meteorological Department.

- (c) The same will also not come in the way of any other person authorised to seek fresh elections of the petitioners from seeking so.

No costs.

RAJIV SAHAI ENDLAW, J

APRIL 06, 2016

‘pp’..