

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 6841 of 2017

and

W.M.P. Nos. 7403 and 7404 of 2017

National Association and Postal

Employees - Group 'C'

Tamil Nadu Circle

represented by its Circle Secretary

Mr. Gouse Basha

having office at Anna Nagar HPO

Chennai - 600 012

.... Petitioner

Versus

1. The Chief Post Master General

Tamil Nadu Circle

Anna Salai, Chennai - 600 002

2. The Director (M & BD) and Office

Observer

O/o. The Chief Post Master General

Tamil Nadu Circle

Chennai - 600 002

3. Mr. P. Thirugnanasampanthan

Convener, NAPE, Group-C

Tamil Nadu Circle @

Tuticorin - 620 001

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned notification of the second respondent in No.SR/WP.14675/2016 dated at Chennai - 2 on 03.03.2017 and the consequent notice issued by the third respondent in No.1/CC/2017 dated 03.03.2017 and quash the same and direct the first respondent to conduct election.

For Petitioner

:

Mr. N. Chandrasekaran

For Respondents

:

Mr. Rabu Manohar

CGSC

ORDER

The petitioner Association calls in question the notification issued by the second respondent on 03.03.2017, in and by which, the second respondent intimated that the election to the office bearers of the Circle Union of NAPE, Group "C" Tamil Nadu Circle will be taken place on 25.03.2017.

2. It is seen from the order dated 03.03.2017 of the second respondent, which is impugned in this writ petition, that the notification for conducting the election itself was issued pursuant to the order dated 20.02.2017 passed by this Court in WP No. 14675 of 2016. The apprehension and/or grievance of the petitioner is that the respondents 1 and 2 may not conduct the election in accordance with the bye-laws. Further, contrary to the bye-laws as well as the order passed by this Court mentioned above, the respondents 1 and 2 are attempting to conduct the election through the third respondent, a former member of the adhoc committee.

3. I heard the arguments of the learned counsel for both sides at length and perused the materials placed on record. During the course of argument in this writ petition, the learned counsel appearing for both sides agree that the election shall be conducted on 25.03.2017 by the Postmaster General of the State under his direct supervision. It was also agreed that for the purpose of convenieng the election, the Postmaster General shall constitute a committee consist of three independent members, who are not members of the erstwhile adhoc committee or have anything to do with the affairs of the adhoc committee. The members of the committee to be constituted by the Postmaster General shall control and regulate the conduct of the election in accordance with law and in tune with the bye-laws of the Association.

4. Having regard to the consensus arrived at between the counsel for both sides, without expressing any opinion as to the merits of the averments raised in this writ petition, the writ petition is disposed of with the following direction:-

(i) The Postmaster General of the State is directed to conduct the election on 25.03.2017, as scheduled, under his direct supervision.

(ii) For the purpose of convenieng the election, the Postmaster General shall constitute a committee consist of three independent members, who are not members of the erstwhile adhoc committee or have anything to do with the affairs of the adhoc committee.

(iii) The members of the committee to be constituted by the Postmaster General shall control and regulate the conduct of the election under the direct supervision of the Postmaster General, in accordance with law and in tune with the bye-laws of the Association.

(iv) The members of the petitioner association are also directed to extend their cooperation for smooth and peaceful conduct of the election.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous are closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Chief Post Master General
Tamil Nadu Circle
Anna Salai, Chennai - 600 002
2. The Director (M & BD) and Office
Observer
O/o. The Chief Post Master General
Tamil Nadu Circle
Chennai - 600 002

+1 CC to Mr. N. Chandrasekaran, Advocate sr 17714
+1 CC to Mr. B. Babu Manohar, Advocate sr 17715

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W.P.No. 6841 of 2017

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