

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.16999 of 2017 and
W.M.P.No.18458 of 2017

National Association and Postal
Employees - Group "C",
Tamil Nadu Circle,
rep by its Branch Secretary,
R.Rajagopalan, NAPE,
Group - C Ambattur Branch,
Ambattur - 600 053.

... Petitioner

Vs.

1.The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.

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

3.S.Saravanan ... Respondents
(R3 impleaded as per order dated 12.07.2017 made in WMP.No.19288/2017
in WP.No.16999/2017)

Petition filed under Article 226 of The Constitution of India praying to
issue a writ of certiorarified mandamus to call for the records in pursuant to
the impugned order of the 2nd respondent in No.DPS/M&B/Union Dlgs dated
21.06.2017 and quash the same and direct the 2nd respondent to conduct
the election as per the rules of the Constitution as framed by the petitioner
Union.

For Petitioner : Mr.N.Chandrasekaran
for Mr.K.Kannan Kumar

For Respondents : Mr.T.V.Krishnamachari, SCGSC (R1 & R2)
Mrs.Radha Gopalan (R3)

ORDER

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned order of the 2nd respondent dated 21.06.2017 and to quash the same and to direct the 2nd respondent to conduct the election as per the rules of the Constitution as framed by the petitioner Union.

2.It is the case of the petitioner that the petitioner Union is a National Level Association for the welfare of Group-C employees in the Postal Department. The 1st respondent is the Competent authority to grant approval and regulate the circle level Associations. The 2nd respondent, by his proceedings dated 21.06.2017, rejected the request of the petitioner dated 10.06.2017 for paying the arrears of circle quota on the ground that the circle quota fee has not been paid by 25 affiliated to the petitioner Association. The petitioner Union filed Writ Petitions in W.P.No.14675 of 2014 and 6841 of 2017 to conduct the election to the petitioner Association because the rules and regulations framed by the said Association have not been strictly followed. This Court, by order dated 22.03.2017 in

W.P.No.6841 of 2017 passed the following order:

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

(i) The Post Master 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 convening the election, the Postmaster General shall constitute a committee consist of three independent member, 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 the same with the bye-laws of the Association.

(iv) The members of the petitioner Association are also direct to the extend their corporation for smooth and peaceful conduct of the election.”

3.Subsequent to the disposal of the said Writ Petition, the petitioner submitted a memorandum to the 1st respondent on 19.04.2017 stating that a Committee headed by the 2nd respondent has taken action to conduct election to the circle union that the petitioner's Divisional Branch is ready

to remit the quota fee to the newly elected body and requested that the petitioner Union is ready to contribute to the election day expenses. The petitioner also annexed a list of the employees and subscriptions to be recovered from the members and other details for consideration of the 2nd respondent. Since the 2nd respondent had refused to accept the request made by the petitioner Association, the impugned order has been passed on 21.06.2017.

4. When the matter is taken up for hearing, Mr.N.Chandrasekaran, learned counsel appearing for the petitioner, Mr.T.V.Krishnamachari, learned Senior Central Government Standing Counsel for the respondents 1 & 2 and Mrs.Radha Gopalan, learned counsel for the 3rd respondent submitted that the petitioner Association can be allowed to pay the arrears of subscription to the General Secretary of the Union on or before 05.00 pm on 20.07.2017 and that the election can be conducted on 22.07.2017 as scheduled, without any modification.

5. In view of the submissions made by the learned counsel on either side, I pass the following order, by consent:

“(a) The members of the petitioner Association are directed to pay the arrears of the circle quota subscription on or before 05.00 pm on 20.07.2017 to the General Secretary.

(b) Similarly placed members are also permitted to pay the arrears of the circle quota subscription on or before the said date and time.

(c) On payment of the arrears of subscription, the defaulters are permitted to participate in the election process scheduled to be held on 22.07.2017.

(d) The election should be conducted on 22.07.2017 without any postponement.

6. With these observations, the Writ Petition is disposed of by consent of the learned counsel on either side. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

18.07.2017

Note: Issue order copy today itself.

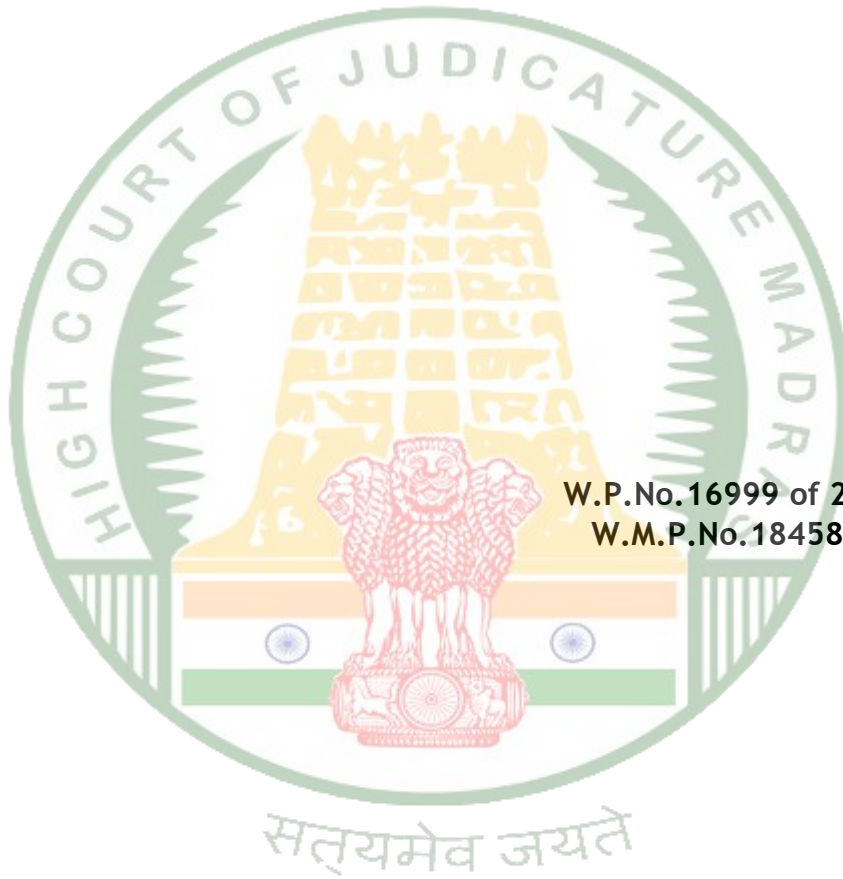
To

1. The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.

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

M.DURAI SWAMY, J.

va



W.P.No.16999 of 2017 and
W.M.P.No.18458 of 2017

WEB COPY

18.07.2017