

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.M.P.No.4442 of 2016
in
W.P.M.P.No.45698 of 2016
and
W.P.No.37088 of 2016

ORDER :

W.V.M.P.No.4442 of 2016 is filed to vacate the order dt.31-10-2016 in W.P.M.P.No.45698 of 2016 in W.P.No.37088 of 2016.

2. Heard the learned counsel for Writ petitioner and Sri V.Venkata Mayur, learned counsel for vacate petitioner/5th respondent in the Writ Petition.

3. The petitioner has filed the Writ Petition challenging the Gmail message dt.19-10-2016 issued by 2nd respondent directing the 3rd respondent to issue orders to 5th respondent to work in the office of the 4th respondent and the consequent orders passed by 3rd respondent on 20-10-2016.

4. The 5th respondent claims that he is the elected President of the Telangana Class-IV Employees Central Association District Branch, Adilabad. He also claims that he has been invited by the District Collector in the years 2013, 2014 and 2015 to participate in issues relating to the TNGOs. On the basis of the said status as President of the said Association, he wanted to continue in the Adilabad District as

Office Subordinate though he was allotted to the office of the D.M. & H.O. Manchiryal District. The impugned Gmail message was issued on 19-10-2016 permitting the 5th respondent to work in the office of the D.M & H.O., Adilabad District by 2nd respondent and on the basis of the said instruction, the 3rd respondent issued proceedings on 20-10-2016 enabling the 5th respondent to work in the office of the 4th respondent.

5. Petitioner, however, contends that 5th respondent is not working as President of the said Association, that he was suspended from the said office on 13-06-2016 by the General Secretary of the said Association and therefore he cannot claim to be holding the post of President of the said Association and claim a right to continue in the office of the 4th respondent. He claims that he was nominated as the President by the said General Secretary.

6. Sri V.Venkata Mayur, learned counsel for 5th respondent, however, contends that General Secretary of the said Association himself was suspended and that he had no authority to issue proceedings dt.13-06-2016 suspending the 5th respondent and nominating the petitioner as President of the said Association. He also contends that there is no provision in the bye-laws of the said Association to appoint a President on nomination basis.

7. Whether the 5th respondent continues to be the President of the said Association or not, is a matter which cannot be adjudicated in the

present Writ Petition and any dispute in regard to the status of the 5th respondent as President ought to be adjudicated in an appropriate forum and this Court cannot go into the said issue.

8. Therefore, without expressing any opinion on whether the 5th respondent is President of the said Association or not, and whether he was validly suspended from the said post or not, having regard to the proceedings of the District Collector wherein the 5th respondent has been recognised as the President of the said Association in 2013, 2014 and 2015, *prima facie* it appears that the 5th respondent has been accepted as President by the State.

9. Therefore, the interim order dt.31-10-2016 in W.P.M.P.No.45698 of 2016 in W.P.No.37088 of 2016 is vacated and W.V.M.P.No.4442 of 2016 is allowed.

10. Consequently, this Writ Petition is dismissed granting liberty to the Writ petitioner to avail remedies available to him at law to challenge the status of the 5th respondent as President of the above Association. No costs.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date : 03-01-2017

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