

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22072 of 2017
and
WMP Nos.23127 & 23128 of 2017

R.Kamaraj
District President,
Tamil Nadu Government Office
Assistant and Basic Servant
District Association,
Nagapattinam Post & District,
Residing at
No.1/30, 5th Cross Street,
Maraimalai Nagar,
Nagapattinam District. ...Petitioner

Vs.

- 1.The Secretary to Government,
Personnel & Administration Department,
Fort St.George,
Chennai-600 009.
- 2.The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes & Registration Department,
Chennai-600 009.

3.K.Ganesan

- 4.The Secretary,
Tamil Nadu Government Office Assistants &
Basic Servants State Central Association,
No.30/182, Jagajeevanram Salai,
Chepauk, Chennai 600 005.

... Respondents

[R4 impleaded as per Order dt.24.11.2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the recognition of the Tamil Nadu Government Office Assistant and Basic Servants State Central Association under the presidentship of the 3rd

Respondent who holds the office illegally and unconstitutionally and to take departmental action against the 3rd respondent for the illegal and irregular acts of alienation of properties belonging to the Association on holding the office illegally.

(prayer amended as per order dt.24.11.2017)

For Petitioner :Ms.T. Aananthi

For Respondents:Mrs.A.Sri jayanthi

Spl. Government Pleader for R 1 & R 2

Mr.M.Kemp Raj for R 3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 and 2 to cancel the recognition of the Tamil Nadu Government Office Assistant and Basic Servants State Central Association under the presidency of the 3rd Respondent, who holds the office illegally and unconstitutionally and to take departmental action against the 3rd respondent for the illegal and irregular acts of alienation of properties belonging to the Association on holding the office illegally.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner was holding the post of the District President of Tamil Nadu Government Office Assistants and Basic Servants Association (TNGOA & BS Association) and became President at Nagapattinam District. The third respondent was holding the post of the said President, even, after his dismissal from service from the year 2002 onwards. Subsequently, the third respondent challenging the order of dismissal from the service was reinstated and thereafter retired from service in December 2017. The grievance of the writ petitioner is that the third respondent was misappropriated the funds of the association and illegally alienated the properties belonging to the association contrary to the bylaws and the rules in force. In this regard, the writ petitioner made a representation to the officials to initiate appropriate action for cancellation of recognition as well as to initiate appropriate action against the 3rd respondent in accordance with the disciplinary and appeal rules.

3.The learned counsel appearing on behalf of the third respondent opposed the contention by stating that undoubtedly the third respondent was dismissed from service. However, he filed a writ petition challenging the order of dismissal and subsequently he was reinstated in service and retired from

service. Therefore, the allegations set out in the writ petition are incorrect and the third respondent is not liable for any such action.

4.This Court is of an opinion that in respect of the internal administration of the affairs of the employees association, no relief can be granted in this writ petition. It is left open to the members and the office bearers concerned to redress their grievances in the manner known to law. If at all, the properties of association are illegally alienated or the funds are misappropriated, it is for the members and the office bearers to initiate appropriate action against all such persons, who are all responsible for the maintenance of the accounts and affairs of the association, even by filing complaints under the criminal procedure code. However, this Court in the present writ proceedings cannot entertain the said allegations and it is for the writ petitioner to redress his grievances in this regard before the appropriate forum. This apart, it is brought to the notice of this Court that the third respondent was allowed to retire from service in December 2017 and he is no more holding the Presidentship of the Association and another person has taken charge. This being the factum of the case, the petitioner is at liberty to approach the Competent Forum for the purpose of redressal of his grievances with regard to misappropriation of the funds of the association and the illegal alienation of its properties.

5.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

KP

To

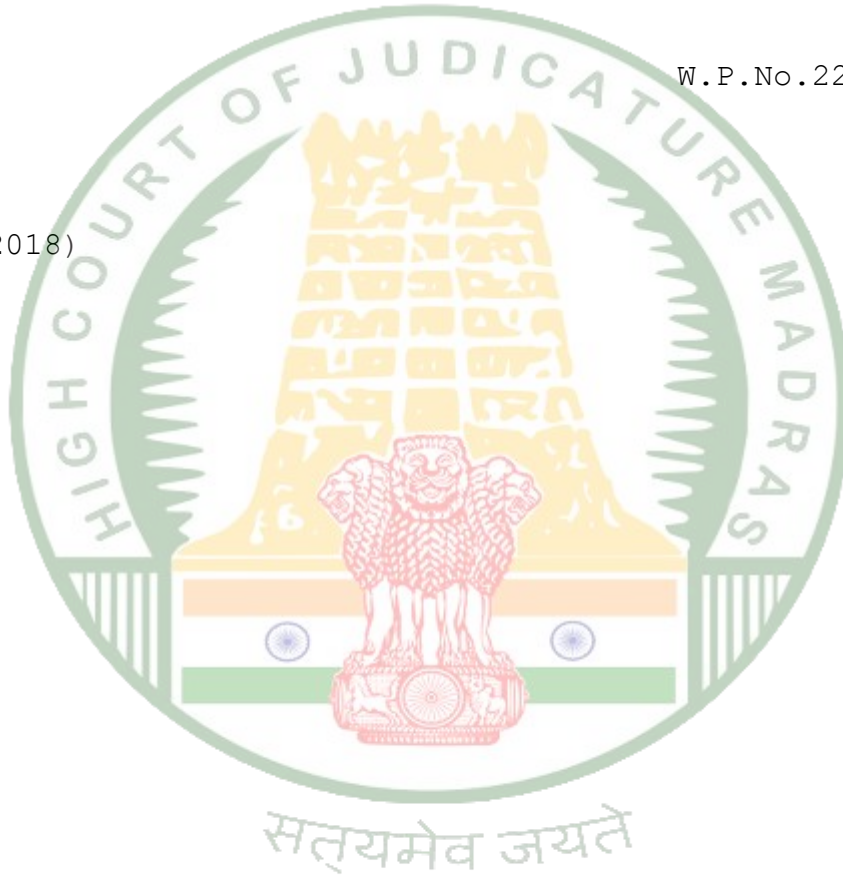
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+1 CC to M/s.T. Aananthi, Advocate sr 57495.
+2 Ccs to Mr.M. Kempraj, Advocate sr 57800.
+1 CC to Govt. Pleader sr 57877.

W.P.No.22072 of 2017

RR(CO)
SP(17/09/2018)



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