

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 04TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.1298 of 2017

and

A. No.2841 of 2018

in

C.S. No.997 of 2017

K.Dharmaraj,  
S/o. Kalimuthu,  
MIG 47, TNHB, Velacherry,  
Chennai - 600 042.

... Applicant/Plaintiff  
(in both the applications)

-Versus-

1. LIC SC/ST Employees Welfare Association,  
Chennai Division I  
Represented by its General Secretary, Mr.R.Mani  
Having office at Zonal Office,  
Engineering Department,  
9th Floor, No.156, LIC Building  
Anna Salai, Chennai - 600 002.
2. South Zone LIC SC/ST Employees Welfare  
Association Represented by its  
General Secretary  
Shri.R.Janarthanan  
No.10, Sunkuraman Chetty Street,  
NSC Bose Road, Chennai-600 001.... Respondents/Defendants  
(in both the applications)

O.A. No.1298 of 2017:-

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the respondents, their men, agents, servants, or any persons claiming under them from any way conduct the election for the 1st respondent on 30.12.2017 at General Body meeting to be held and subsequent dates without following the bye laws of the 1st respondent till the disposal of the suit.

A. No.2841 of 2018:-

Application praying that this Hon'ble Court be pleased to direct the second respondent to commence the election process for the election of the Executive Committee of the 1st respondent namely LIC SC/ST LIC Employees' Welfare Association, Chennai Division-1 and to conduct the election according to the bye-law.

These Applications coming on this day before this court for hearing the court made the following order:-

A.No.2841 of 2018 has been filed for a direction, to direct the second respondent to commence the election process for the election of the executive committee of the first respondent namely LIC SC/ST LIC Employees Welfare Association, Chennai Division-I and to conduct the election according to bye-law.

2.The learned counsel appearing for the first respondent would submit that they are prepared to conduct election as per bye-laws 15. According to the learned counsel appearing for the respondent, there are 250 members and except the petitioner others have no grievance at all.

3.A.No.1298 of 2017 has been filed to grant an interim injunction restraining the respondents from any way conducting the election for the first respondent on 30.12.2017.

4.Both the applications are taken up together since the issue involved is one and the same.

5.The learned counsel appearing for the first respondent would submit that the election shall be supervised either by the Zonal Committee or by the Advocate Commissioner.

6.Since, both sides have no objection for commencing the election process, I am of the view that no orders on merits is necessary at this stage and the applications can be disposed of.

7.Accordingly, the first respondent is directed to commence the election process from 16.04.2018 and shall adhere to the procedure of bye-laws 15, by giving necessary notice. Thereby, Mr.S.A.Akbar (867/83), Mobile No.9841262638, No.80/5A, Bazullah Road, T.Nagar, Chennai 600 017, is appointed as Advocate Commissioner to oversee the election. He shall monitor the election process from the date of commencement of the election till the results of the election.

8.Both sides shall cooperate with the Advocate Commissioner for smooth conduct of the election and the Applicant in A.No.2841 of 2018 shall bear the expenses for the Advocate Commissioner. A sum of Rs.25,000/- shall be

paid by the Applicant on or before 16.04.2018.

9.The Advocate Commissioner shall take the conscious decision according to law in monitoring the election process.

10.With the above direction, these applications are disposed of.

11.The ad-Interim injunction already granted by this Court in A.No.1298 of 2017 on 13.03.2018 stands vacated with the above directions.

Sd./-N.S.K.J  
04/04/2018

//Certified to be true copy//  
Dated at Madras this the        day of        2018.

jj 13/04/2018

COURT OFFICER(O.S.)  
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.