



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.229 of 2018
and
C.M.P. (MD)No.1254 of 2018

A.J.Balamurugan .. Appellant

Vs.

1.K.Kumar

2.The Secretary to Government,
Personnel and Administrative Reforms(K) Department,
St. George Fort, Chennai.

3.John Kulanthairaj

4.Tamil Nadu Government Department Drivers Association,
PWD Campus, Chepauk, Chennai-5,
represented by its District President,
S.Devadoss.

5.Tamil Nadu Government Department Drivers Association,
Assistant Executive Engineer Office,
Jayamkondam, Ariyaloor District,
represented by its District President K.Selvaraj.

6.Tamil Nadu Government Department Drivers Association,
C-20, TNHB Colony, Aathukadu, Salem-8,
represented by its District President S.Dayalan.

7.Tamil Nadu Government Department Drivers Association,
Dindigul, Dindigul District,
represented by its District President A.Iqbal.

8.Tamil Nadu Government Department Drivers Association,
Agriculture Department Office Backside,
represented by its District President,
Athinarayanan.

9.Tamil Nadu Government Department Drivers Association,
Government Hospital Campus,
Villupuram, Villupuram District,
represented by its District President, G.Sekar.



10. Tamil Nadu Government Department Drivers Association,
Panchayat Union Office, Anthiyur, Erode District,
represented by its District President T.Subramaniam.

11. Tamil Nadu Government Department Drivers Association,
Panchayat Union Office, Sakkottai, Karaikudi Taluk,
Sivagangai District, represented by its
President Lakshmana Perumal.

12. Tamil Nadu Government Department Drivers Association,
Revenue Department Office, Collectorate, Namakkal,
Namakkal District, represented by its District President
V.Mani.

13. Tamil Nadu Government Department Drivers Association,
District Association Building,
Collectorate, Madurai - 20,
represented by its District President, Soundararaj.

14. Tamil Nadu Government Department Drivers Association,
Gandhi Street, R.S.Mangalam, Ariyalur District.
represented by its District President, Udayakumar.

15. Tamil Nadu Government Department Drivers Association,
No.95, T.R.Nagar, Near Sai Baba Temple,
Jepamalaipuram, Thanjavur District, Thanjavur - 2,
represented by its District President, R.Kannan.

16. Tamil Nadu Government Department Drivers Association,
C.O.Colony, Opposite to Colletorate,
Sattur Road, Viruthunagar, Virudhunagar District,
represented by its District President, Muthu.

17. Tamil Nadu Government Department Drivers Association,
Panchayat Union Office, Kalasarapakkam, Tiruvannamalai
District,
represented by its District President, Senthamil Selvan.

18. Tamil Nadu Government Department Drivers Association,
Assistant Director Office, Collectorate, Thanthondri,
Karur, Karur District, represented by its
District President, R.Manickavasagam.

19. Tamil Nadu Government Department Drivers Association,
Revenue Department Office, Collectorate,
Nagercoil, Kanyakumari District.
represented by its District President, Vijayakumar.

20. Tamil Nadu Government Department Drivers Association,
Door No.5, Manthaiamman Koil Street,
Uthamapuram, Cumbum, Theni District.
represented by its District President, B.Lakshmanan.



21. Tamil Nadu Government Department Drivers Association,
Backward Class Welfare Officer, Collectorate,
Perambalur, represented by its District President, Nandhiraj.
22. Tamil Nadu Government Department Drivers Association,
Government Hospital, Dharapuram Road,
Tiruppur - 8, Tiruppur District,
represented by its District President, J. Mujiphusain.
23. Tamil Nadu Government Department Drivers Association,
Labour Welfare Department Office, Sathuvacheri,
Vellore, Vellore District,
represented by its District President, Venkatasalu.
24. Tamil Nadu Government Department Drivers Association,
Public Health Department, Pettaikara Street,
Thiruvarur, Thiruvarur District,
represented by its District President.
25. Tamil Nadu Government Department Drivers Association,
7/2, Melakara Street, Vedaraniyam, Nagapattinam District,
represented by its District President, Aruna Satesan.
26. Tamil Nadu Government Department Drivers Association,
Panchayat Union Office, Siddhamoor, Kancheepuram District,
represented by its District President, Anandan.
27. Tamil Nadu Government Department Drivers Association,
Health Department, Thiruvalluvar Nagar,
Pudukottai, Pudukottai District,
represented by its District President, S. Arumugam.
28. Tamil Nadu Government Department Drivers Association,
Revenue Department, Thiruvallur, Thiruvallur District,
represented by its District President, Manoharan.
29. Tamil Nadu Government Department Drivers Association,
Rural Development Department,
Thenkanikottai, Krishnagiri District, Krishnagiri,
represented by its District President, R. Yuvaraj.
30. Tamil Nadu Government Department Drivers Association,
HIG-130, TNHB Colony, Collectorate,
Collectorate Post, Virupachipuram,
Dharmapuri District,
represented by its District President, Ismail.



31. Tamil Nadu Government Department Drivers Association,
Revenue Department,
Collectorate, Korampallam Post,
Great Cotton Road,
Tuticorin, Tuticorin District.
represented by its District President, T.Chandran.

32. Tamil Nadu Government Department Drivers Association,
Primary Health Centre,
Annur Taluk, Coimbatore District,
represented by its District President, Ramamoorthy.

33. Tamil Nadu Government Department Drivers Association,
Collectorate, Ooty,
represented by its District President, M.Velu.

34. Tamil Nadu Government Department Drivers Association,
No.38, Mela Agraharam, Manachanallur,
Trichy, Trichy District.
represented by its District President, Iqbal.

35. Tamil Nadu Government Department Drivers Association,
Tashildar Office, Cheranmadevi,
Tirunelveli District,
represented by its District President, M.Murugesan.

36. B.Patchiappan,
District Secretary, Chennai District,
Tamil Nadu Government Department Drivers Association,
Working as Driver, Office of the Regional Joint Director of
Industries
and Commerce Department,
Guindy, Chennai-32.

.. Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act,
against the order, dated 22.01.2018, made in W.P(MD)No.19811 of
2017.

Prayer in WP(MD). 19811/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorarified Mandamus calling for the records pertaining to the
impugned order passed by the 1st respondent in his letter
No.39282/K1/2017-4 dated 02.08.2017 and the consequential impugned
election notification issued by the 2nd respondent dated 05.10.2017
and quash the same and direct the 1st respondent to conduct a free
and fair elections for the post of office bearers of the Tamil Nadu
Government All Department Drivers Association both District level
and state level within a time as stipulated by this Hon'ble Court.



For Petitioner : Mr.Y.Krishnan
For Respondent No.2 : Mr.A.K.Baskarapandian,
Additional Government Pleader.

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J U D G M E N T

[Judgment of the Court was made by M.SATHYANARAYANAN, J.]

This writ appeal is preferred against the order of interim direction, dated 22.01.2018, made in W.P(MD)No.19811 of 2017. In the said writ petition, vide order, dated 19.12.2017, a Single Bench of this Court, has appointed three Advocates as Commissioners and fixed their remuneration at Rs.50,000/- (Rupees Fifty Thousand Only) each along with other incidental expenses and directed that it shall be paid by the Tamil Nadu Government Drivers Association, No.4, Mayor Ramanathan Salai, Chetpat, Chennai - 600 021.

2.The matter was listed on 22.01.2018 and by that time, the appellant herein, got impleaded as a party in that writ petition. The learned Judge has passed the impugned order/interim direction, dated 22.01.2018, after taking note of the fact that the learned counsel appearing for the writ petitioner was ready to pay the part of the Advocate remuneration on that day itself and directed the impleaded third respondent/appellant herein, to pay the remaining amount, on or before 29.01.2018, and challenging the said portion of the order, in and by which, he was directed to pay the remaining portion of the Advocate remuneration, came forward to file this writ appeal.

3.In the considered opinion of this Court, it is open to the appellant/third respondent to move before the learned Single Judge, either to seek a clarification or modification of the order and as such, the writ appeal is not the remedy.

4.In the result, this writ appeal is dismissed and the appellant/ third respondent in the writ petition is granted liberty, to seek a clarification or modification of the order, dated 22.01.2018, made in W.P(MD)No.19811 of 2017. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar



To

The Secretary to Government,
Personnel and Administrative Reforms (K) Department,
St. George Fort, Chennai.

+One cc to Mr.Y.Krishnan, Advocate, SR>No.47767

+2ccs to The Special Government Pleader, SR.Nos.47716 and 48220

vsg/smn

RL/4C/6P/SKN/RSK/SAR4/27/2/2018

JUDGMENT MADE IN
W.A. (MD) No.229 of 2018
and
C.M.P (MD) No.1254 of 2018

09.02.2018