



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6513 of 2018

and

W.M.P (MD) Nos.6329 and 6330 of 2018

TN Agro Engineering Cooperative
Employees Welfare Association
A Trade Union Under the Trade Unions Act
(Regn No.1322) Tirunelveli,
Rep. by its Secretary.

... Petitioner

Vs.

1. The Commissioner
The Tamil Nadu State Cooperative Societies
Election Commission
No.273, Anna Salai,
Teynampet, Chennai 600 018.

2. The Agricultural Production Commissioner-cum-
Principal Secretary to Government
Agriculture Department,
Fort St.George, Chennai 600 009.

3. The Director of Agriculture/
The Registrar of Agro Engineering &
Services, Chepauk, Chennai 600 005.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned election notification of the first respondent in Na.Ka.No.331/2018/Cooperative Election-I dated 05.03.2018 quash the same in so far as SI.No.10 of Annexure-I is concerned and consequently direct the respondents 2 and 3 herein to settle the arrears of salary and other service benefits to the petitioner and also by engaging the members of the Petitioner Trade Union in the alternative employment in any one of the government services.

For Petitioner :Mr.C.Jegannathan
for M/s.Veera Associates

For Respondents :Mr.Chellapandian
Additional Advocate General
Assisted by Mrs.S.Srimathy
Special Government Pleader

**ORDER**

The petitioner is a registered trade union. It questions the impugned election notification issued by the first respondent. It is a settled principle of law that when once the election processed has commenced, the Court must not step in. Therefore, challenge to the election notification is negatived. However, the matter cannot rest there.

2.The grievance projected by the writ petitioner is that the Tamil Nadu Agro Engineering Co-operative Society have run into loss and that for several years, there is no activity. The employees of the said co-operative society are not getting pay or salary for a last several years. Therefore, in this regard, the second respondent has sent a letter dated 06.12.2017 to the third respondent asking for vacancies position in the other departments, in which, the said employees can be accommodated. There is a response from the third respondent on 17.01.2018.

3.Under such circumstances, the second respondent is directed to take final decision in the matter with regard to the services of the employees of the Tamil Nadu Agro Engineering Co-operative Societies. The said decision shall be taken within a period of 16 weeks from the date of receipt of a copy of this order.

4.With this direction, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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The Tamil Nadu State Cooperative Societies
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3. The Director of Agriculture/
The Registrar of Agro Engineering &
Services, Chepauk, Chennai 600 005.

+1cc to M/s.Veera Associates, Sr.No.58526
+1cc to Spl.Government Pleader Sr.No.59230

rmi

VB/SV/MMS/SAR2/07/05/2018/3P/6C

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