



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1300 of 2018

and

C.M.P(MD)No.9254 of 2018

in

WP(MD)NO.19811 of 2017

A.J.Balamurugan,
State President,
Tamil Nadu Government Department
Drivers Central Association (Chennai),
S/o.Jawaharlal,
B-71/2, T.N.H.B Quarters,
Race Course Colony,
Madurai - 2. ... Appellant/3rd Respondent

Vs.

1.K.Kumar ... 1st Respondent/Writ Petitioner

2.The secretary to Government,
Personnel and Administrative Reforms (K),
Fort St. George,
Chennai - 9.

3.John Kulandai Raj

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

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

6.Tamil Nadu Government Department
Drivers Association,



C-20, TNHB Colony, Aathukadu,
Salem - 8,
Rep. by its District President,
S.Dhayalan

7. Tamil Nadu Government Department
Drivers Association,
Collectorate, Dindigul, Dindigul District,
Rep. by its District President,
A.Iqubal

8. Tamil Nadu Government Department
Drivers Association,
Agri Department Office Backside,
To Old Collectorate, Cuddalore,
Cuddalore District,
Rep. by its District President,
Athinarayanan

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

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

11. Tamil Nadu Government Department
Drivers Association,
Panchayat Union Office, Sakkattoi,
Karaikudi Taluk, Sivagangai District,
Rep. by its District President,
Lakshmi Perumal

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

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



14. Tamil Nadu Government Department
Drivers Association,
R.S.Mangalam Ariyaloor District,
Rep. by its District President,
Udayakumar

15. Tamil Nadu Government Department
Drivers Association,
Near Saibaba Temple Jayamalaipuram,
Thanjavur - 2,
Thanjavur District,
Rep. by its District President,
R.Kannan

16. Tamil Nadu Government Department
Drivers Association,
Opposite to Collectorate Sattur Road,
Virudhunagar, Virudhunagar District,
Rep. by its District President,
Muthu

17. Tamil Nadu Government Department
Drivers Association,
Panchayat Union Office Kasapakkam,
Thiruvannamalai District,
Rep. by its District President,
Senthamilselvan

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

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

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

21. Tamil Nadu Government Department
Drivers Association,



Backside Class Welfare Officer, Collectorate,
Perambalur,
Rep. by its District President,
Nandhiraj

22. Tamil Nadu Government Department
Drivers Association,
Hospital Tharapuram Road, Tirupur - 8,
Thirupur District,
Rep. by its District President,
J. Mujip Husain

23. Tamil Nadu Government Department
Drivers Association,
Labour Welfare Department Office Sathuvacheri,
Vellore, Vellore District,
Rep. by its District President,
Venkatesalu

24. Tamil Nadu Government Department
Drivers Association,
Public Health Department, Pettikara Street,
Thiruvarur, Thiruvarur District,
Rep. by its District President

25. Tamil Nadu Government Department
Drivers Association,
No. 7/2, ERI Melakara Street, Vedharaniam,
Nagapattinam,
Rep. by its District President,
Arunasatesan

26. Tamil Nadu Government Department
Drivers Association,
Panchayat Union Office, Siddhamoor,
Kanchipuram District,
Rep. by its District President,
Anandan

27. Tamil Nadu Government Department
Drivers Association,
Thiruvalluvar Nagar, Pudukkottai,
Pudukkottai District,
Rep. by its District President,
S. Arumugam

28. Tamil Nadu Government Department
Drivers Association,
Rural Development Department, Thenkanikottai,
Krishnagiri District,
Rep. by its District President,
Manoharan



29. Tamil Nadu Government Department
Drivers Association,
Rural Development Department,
Thenkanikottai, Krishnagiri District,
Krishnagiri,
Rep. by its District President,
R. Yuvaraj

30. Tamil Nadu Government Department
Drivers Association,
HIG - 130, TNHB Colony, Collectorate,
Collectorate Post, Virupachipuram,
Dharmapuri District,
Rep. by its District President,
Ismail

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

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

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

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

35. Tamil Nadu Government Department
Drivers Association,
Tashildar Office, Cheranmahadevi,
Tirunelveli District,
Rep. 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 2 to 36

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 01.08.2018 made in W.P(MD)No.19811 of 2018, on the file of this Court.

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 Honble Court.

For Appellants : Mrs.Selvi George

For R - 1 : Mr.P.Gunasekaran

For R - 2 :Mrs.J.Padmaavathi Devi,
Special Government Pleader.

For RR 3 to 33,
35 & 36 : No appearance

For R - 34 : Mr.K.K.Senthil

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This Writ Appeal is directed as against the interim order, dated 01.08.2018 passed in W.P(MD)No.19811 of 2017.

2. The learned Single Judge appointed Advocate Commissioners for the work of preparation of eligible voters list of the Tamil Nadu Government All Department Drivers Association, which is spread over all the Districts. In addition, they are also entitled to



accept the membership fees and arrears from all the eligible members irrespective of the duration of the period of the arrears and shall issue a valid receipt, after retaining the counter-foil.

3. It is pointed out by the learned counsel appearing for the appellant that it will be against the by-laws, as the defaulters may not be eligible to vote.

4. Be that as it may, the Writ Petition has to be listed before the learned Single Judge on 01.11.2018. As the Writ Appeal itself is only directed against the interim order, the Advocate Commissioners are directed not to proceed further till 01.11.2018. The parties are directed to appear before the learned Single Judge and proceed with the matter.

5. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The secretary to Government,
Personal and Administrative Reforms (K),
Fort St. George,
Chennai - 9.

Copy To:

The Section Officer,
writ Section, Writ Positing Section,
Madurai Bench of Madras High Court,
Madurai. **(WP(MD)No.19811/2017 Post on 01.11.2018)**

+1CC to MR.M.S.SURESH KUMAR, ADVOCATE IN S.R.NO.90197.

+1CC TO MR.K.K.SENTHIL, ADVOCATE IN S.R.NO.90358.

PS

DS RSK SAR-4 16.10.2018 7P/5C

W.A(MD)No.1300 of 2018
11.10.2018