

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.44190 of 2018

ORDER:

Heard learned counsel for the petitioners and Sri P.Bhaskar, learned Standing Counsel for South Central Railways, apart from perusing the entire material available on record.

Petitioners herein claim to be the members of the South Central Railway Mazdoor Union, Diesel loco Shed, Kazipet Branch. The present Writ Petition, under Article 226 of the Constitution of India, is filed alleging that the election to the 8th respondent Railway Mazdoor Union was not held in accordance with law. It is the case of the petitioners herein that, though the irregularities which took place in the election were brought to the notice of the respondents, by way of a representation, dated 18.07.2018, the respondent authorities did not take any action.

During the course of hearing, it is submitted by the learned counsel for the petitioners that, in contravention of Articles 15 and 20 of the Byelaws of the Association, the elections were conducted.

On the other hand, it is submitted by the learned Standing Counsel that the present Writ Petition, filed alleging violation of the Byelaws of the Association, cannot be maintained before this Court, under Article 226 of the Constitution of India, and if the petitioners herein have any grievance they need to approach a competent civil Court for redressal of their grievance.

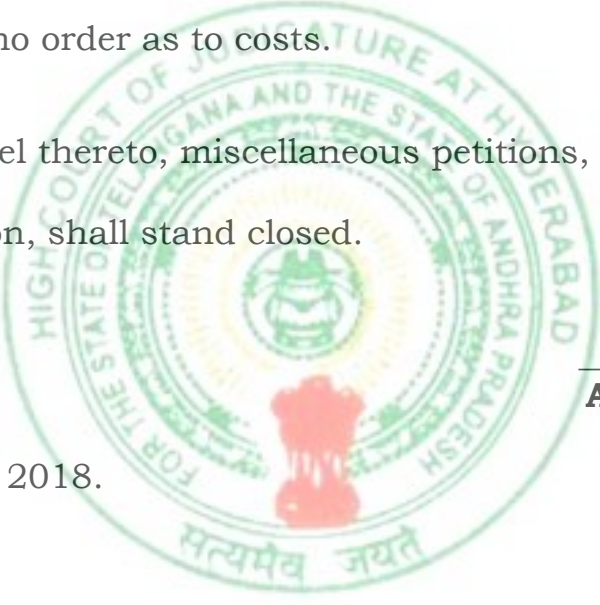
It is not in dispute that the elections to the South Central Railway Mazdoor Union took place on 06.10.2018. It is the settled and well established principle of law that the Writ Petition, under Article 226 of the Constitution of India, cannot be maintained for

enforcement of the Byelaws which have no statutory force. It is also not in dispute that the petitioners have an effective alternative remedy by way of instituting a suit before a competent civil Court. It is also required to be noted that various factual aspects are required to be gone into. Therefore, this Court is not inclined to entertain the present Writ Petition, under Article 226 of the Constitution of India. However, it is open for the petitioners herein to approach an appropriate forum of law, for redressal of their grievance.

With the above observations, Writ Petition stands disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in this Writ Petition, shall stand closed.

05th December, 2018.
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A.V.SESHA SAI,J