

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15807 of 2018

Date of Decision: 02.07.2018

Mange Ram and others

... Petitioners

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

The petitioners are members of All India Scheduled Caste & Scheduled Tribes Railway Employees Association – respondent No.2 and complain in the present petition that the Zonal Executive Committee of the Association has postponed the elections, whereas it is argued, that it is only the Central Executive Committee of the Association which is empowered to postpone the elections, in case, the need arises. Reliance is placed on the bye-laws of the Association which is registered as a society under the Societies Registration Act, 1860. These bye-laws are not statutory in character and, therefore, any postponement by any authority of an election will not confer jurisdiction on the Writ Court to issue a mandamus or certiorari to the respondents to hold elections. A writ would not lie against such an action of a part of the Association.

In these circumstances, learned counsel for the petitioners submits that he may be permitted to withdraw the petition with liberty to approach the Zonal Central Executive Committee for redressing the

grievance.

It is not for this Court to guide the petitioners to avail remedies once it has come to the view that the writ would not be maintainable against postponement of elections to the Committee or its constituent parts. Even though the petitioners have come to Court, they have remedies available, if any, in the bye-laws of the society.

Accordingly, the petition is dismissed as not maintainable.

(RAJIV NARAIN RAINA)
JUDGE

02.07.2018

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No