

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 03rd DAY OF JULY 2019

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A. No.4375 of 2019

in

A. No.7609 of 2018

A. No.7609 of 2018:-

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of dispute
between Coimbatore District
Football Association and
Tamilnadu Football Association
under Article 66 of the
Constitution of The Tamilnadu
Football Association

1. Mr.K.Raja,
Secretary (2014-2018),
Coimbatore District Football Association,
Residing at V.53, Kovai Pudur,
Coimbatore-641 042.
2. Mr.O.Shanmugasundaram,
Vice President (2014-2018),
Coimbatore District Football Association,
residing at No.1/343, Adiyapatham Street,
NGGO Colony, Coimbatore-641 022.
3. Mr.T.Krishnamurthy,
Hon. Assistant Secretary (2014-2018),
Coimbatore District Football Association,
residing at No.145, N.H.Road,
Coimbatore-641 001.

... Applicants

-Versus-

1. Tamilnadu Football Association,
rep. by its President,
No.73, Jawaharlal Nehru Stadium,
Chennai-600 002.

2. Mr.Jesiah Vilavarayar,
Former President,
Tamilnadu Football Association,
No.73, Jawaharlal Nehru Stadium,
Periamet, Chennai-600 002.

3. Adhoc Committee,
Coimbatore District Football Association,
rep. by its Convener J.I.Jesudason,
Gate No.12, 1st Floor, Nehru Stadium,
Coimbatore-641 018.

... Respondents

A. No.4375 of 2019:-

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of dispute
between Coimbatore District
Football Association and
Tamilnadu Football Association
under Article 66 of the
Constitution of The Tamilnadu
Football Association

Adhoc Committee,
Coimbatore District Football Association,
rep. by its Convener J.I.Jesudason,
Gate No.12, 1st Floor, Nehru Stadium,
Coimbatore-641 018.

... Applicant/3rd Respondent

-Versus-

1. Mr.K.Raja,
Secretary (2014-2018),
Coimbatore District Football Association,
Residing at V.53, Kovai Pudur,
Coimbatore-641 042.

2. O.Shanmugasundaram,
Vice President (2014-2018),
Coimbatore District Football Association,
residing at No.1/343, Adiyapatham Street,
NGGO Colony, Coimbatore-641 022.

3. Mr.T.Krishnamurthy,
Hon. Assistant Secretary (2014-2018),
Coimbatore District Football Association,
residing at No.145, N.H.Road,
Coimbatore-641 001.

... Respondents 1 to 3/Applicants

4. Tamilnadu Football Association,
rep. by its President,
No.73, Jawaharlal Nehru Stadium,
Periamet, Chennai-600 002.

5. Mr.Jesiah Vilavarayor,
Former President,
Tamilnadu Football Association,
No.73, Jawaharlal Nehru Stadium,
Periamet, Chennai-600 002.

... Respondents 4 & 5/
Respondents 1 & 2

Application praying that this Hon'ble Court be pleased
to:-

a) the liberty to exercise the right of voting
(franchise) may be confined only to the office bearers, who
are suspended viz., the 2nd & 3rd respondents/2nd & 3rd
applicants and not to the members of the team who have
suffered disqualification due to the misconduct in the game
of football;

b) to clause 5(k) of the common order dated 03.04.2019
in A. Nos.7609, 7611 & 7613 of 2018 is to be read in
consonance with clause 30.3.7 of the standard statute of
CDFA and so as to enable the Adhoc Committee to handover
charge to the newly elected office bearers within 15 days
of election,

c) to modify clause 5(n) regarding the proportion of
the Commissioner's fees payable by the parties, directing
the applicants who wanted appointment of an election
officer to bear the costs.

This application coming on this day before this court
for hearing, the Court made the following order:-

This is an application taken out by the third
respondent-Adhoc Committee to clarify that (a) the liberty
to exercise the right of voting (franchise) may be confined
only to the office bearers, who are suspended viz., the 2nd

and 3rd respondents / 2nd and 3rd applicants and not to the member and of the team who have suffered disqualification due to the misconduct in the game of football; (b) the clause 5(k) of the common order dated 03.4.2019 in Application Nos.7609, 7611 and 7613 of 2018 is to be read in consonance with Clause 30.3.7 of the Standard Statute of CDFA, so as to enable the Adhoc Committee to handover charge to the newly elected office bearers within 15 days of election, and (c) to modify Clause 5(n) regarding the proportion of the Commissioner's fees payable by the parties, directing the applicants who wanted appointment of an Election Officer to bear the costs.

2. Now, the clarification is sought for with respect to Clause 5(k) of the order passed by the learned Judge on 03.04.2019, which reads as follows:-

"5(k) - Once the elected office bearers list is published, on that day by 5.00 p.m, the adhoc Committee i.e, the 3rd respondent in these applications, shall hand over the entire administration with records, to the newly elected office bearers."

3. It is now pointed by the learned counsel for the applicant that the Standard Statute of the District Football Association approved by the Tamil Nadu Football Association, in Article 30.3.7 dealing with the duties and

responsibilities of the Secretary states as follows:

"30.3.7-He shall handover all the records and properties of the Association to his successor within a period of 15 days from the date of the election of his successor or from the date of supercession and appointment of an Adhoc Committee of DFA failing which he shall be liable for disciplinary and legal action.

4. As the Standard Statute provides 15 days for handing over the administrative records to the newly elected Office bearers from the date of publication of the election results, the order directing handing over of the entire administration with records by 5 p.m. on the date the election results are published runs contrary to the Statute.

5. The learned counsel for the respondents also agrees for the same.

6. Accordingly, Clause 5(k) is clarified to the effect that once the elected office bearers list is published, the Adhoc Committee (i.e) the applicant herein, who is the third respondent in A.No.7609 of 2018, shall hand over the entire administration with records to the newly elected office bearers within a period of 15 days.

7. The next clarification sought for is with respect to Clause 5(n), wherein the remuneration of the Election

Officer is fixed at Rs.3,00,000/- and the same was directed to be shared by the Association as well as the applicants at the rate of 75:25 ratio.

8. The learned counsel for the applicant contends that the Association is in a financial crunch and they should not be overburdened with a direction to pay 75% of the remuneration of the Election Officer.

9. However, it is pointed out that when the order was passed on 03.04.2019, the very same query was raised before this Court and only with the consent of both the parties, the said order was passed, and therefore, there is nothing to clarify on the same.

10. The next clarification is with respect to Clause 5 (1), which says that "It is also made clear that, if any disciplinary proceedings initiated against any of the member of erstwhile office bearers by the adhoc committee, on specific allegations, the proceedings so initiated is suspended till the election process is completed. However, the newly elected body shall proceed with those disciplinary proceedings initiated and suspended till the completion of the election, after they take charge of the association, in accordance with the Articles of Association."

11. It is stated that the Election officer shall also take into account that if any erstwhile office bearer against whom disciplinary action is initiated by the Adhoc

Committee, notwithstanding the said proceedings/disciplinary action, they shall also be entitled to vote or to participate in the election.

12. Therefore, the order passed by this Court on 03.04.2019 is very clear that even the persons, who are facing the disciplinary proceedings, are eligible to either exercise their vote or participate in the election. Clause 5 (1) only clarifies that if the election process is over, the newly elected body shall proceed with the disciplinary proceedings. Therefore, there is no clarification required to Clause 5(1) and the order passed on 03.04.2019 would hold good.

13. In the result, except Clause 5(k), which is clarified as above, the order dated 03.04.2019 would continue to operate. The above facts go to show that the election process has not yet commenced, despite lapse of three months. Hence, the Election Officer appointed by this Court is directed to put the ball in motion and complete the entire exercise within a period of 45 days from the date of receipt of a copy of this order.

Sd./-P.S.N.J
03.07.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 17/09/2019

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.