

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29163 of 2018
and W.M.P.No.34093 of 2018

S H P Jasmine Jalal Begam
Circle Secretary,
All India Postal SBCO Employees Association,
Tamilnadu Circle Office,
CHQ: Chennai: T.Nagar Head Post Office,
7/4, Mosque Street, Sadique Basha Nagar,
Alwarthirunagar, Chennai - 600087.

.. Petitioner

Vs.

1. Government of India,
Rep. by its Secretary,
Ministry of Communications,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi - 110 001.
2. The Director General,
Department of Posts,
Ministry of Communication,
Government of India, New Delhi - 110 001.
3. Government of India,
Ministry of Communications & IT,
Department of Posts,
Rep. by its Director (SR & Legal),
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
4. The Chief Postmaster General/
Assistant Director (Admin, SR & WLF),
Tamilnadu Circle, Department of Posts, India,
Staff Relations & Welfare Section,
Chennai - 600 002.

.. Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent Nos.1 to 4 to publish the results of the verification of membership for recognition of service Association done pursuant to the Notification of the 3rd respondent bearing reference No.13/01/2015-SR dated 04.03.2015 and grant recognition based on the results within a time that may be stipulated by this Court.

For Petitioner : Mr.N.G.R.Prasad
for M/s.Row and Reddy

For Respondents : Mr.K.Ramanamoorthy
Central Government Counsel

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O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to publish the results of the verification of membership for recognition of service Association done pursuant to the Notification of the 3rd respondent bearing reference No.13/01/2015-SR dated 04.03.2015 and grant recognition based on the results within a stipulated time that may be fixed by this Court.

2. Heard the learned counsel appearing on both sides and perused the materials available on record.

3. Admittedly, the verification of membership for the purpose of recognition of service Association of 2015 is yet to be declared by the Directorate. It is stated in the counter affidavit that the verification of membership for the purpose of recognition of service Association shall be done by the check-off system as per Rule 7 of Central Civil Services (Recognition of Service Associations) Rules, 1993. The competent authority has decided to wait till the final outcome of two Writ Petitions filed before the High Court of Rajasthan at Jodhpur.

4. The order passed by the High Court of Rajasthan at Jodhpur, reads as follows:-

"In the fact and circumstances of the case, it is ordered that if any verification regarding the association representing the category to which the petitioner belongs takes place during the pendency of this Writ Petition, the same shall be subject to the final outcome of the present Writ petition.

Therefore, the decision of the respondents cannot be sustained as the result of the verification has to be published, which shall be subject to the final outcome of the said Writ Petition.

5. Considering the facts and circumstances of the case, this Court directs the respondents to publish the result of the verification of the membership for the purpose of recognition of service Association within a period of six (6) weeks from the date of receipt of a copy of this order. The said publication of the result will be subject to the result of the Writ Petition in

W.P.No.6895 of 2015 pending before the High Court of Rajasthan at Jodhpur.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Ministry of Communications,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi - 110 001.
2. The Director General,
Department of Posts,
Ministry of Communication,
Government of India, New Delhi - 110 001.
3. The Director (SR & Legal),
Ministry of Communications & IT,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
4. The Chief Postmaster General/
Assistant Director (Admin, SR & WLF),
Tamilnadu Circle,
Department of Posts, India,
Staff Relations & Welfare Section,
Chennai - 600 002.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.3419
+1cc to Mr.K.Ramamoorthy, Advocate, S.R.No.3109

W.P.No.29163 of 2018
and W.M.P.No.34093 of 2018

SSD(CO)

rrs 11/02/2019