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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8108/2019 and CM No. 33609/2019

HARI OM NARANG AND ANR. Petitioners

Through: Counsel (appearance not given).

versus

SBI OFFICES ASSOCIATION (DELHI CIRCLE)

& ANR

..... Respondents

Through: Mr Tara V. Ganju, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.07.2019

1. The petitioners have filed the present petition, *inter alia*, praying that appropriate directions be issued to the respondents to conduct a General Council Meeting of respondent no.1 before conducting Elections in the year 2019.
2. The petitioners are officials of State Bank of India Limited and members of respondent no.1 union. They also claim to be members of respondent no.1, which is an association registered under the Trade Union Act, 1926. The petitioners claim that the eighth Triennial General Meeting of respondent no.1 association took place on 12.03.2016 and the elections of the office bearers was held in July, 2016.
3. The petitioners claim that both, the General Council Meeting as well as the elections, are to be held once in three years. It is the petitioners' grievance that the General Council Meeting has not been held since March

2016 and they are also aggrieved by the fact that respondent no.1 is proposing to hold the elections within next three months. The petitioners desire that the General Council Meeting be held prior to holding of the elections as according to them, it provides a forum for ascertaining as to how the affairs of respondent no.1 be conducted.

4. The learned counsel appearing for respondents handed over a copy of the relevant Byelaws of respondent no.1. Rule 15 of the said Byelaws is relevant and is set out below:-

“[15] The General Council shall ordinarily meet once in three years at such a place and time as may be determined by the Executive Committee.

[15][i] A Special Session of the General Council may be convened by the General Secretary on the recommendation of the Executive Committee to transact emergent business, as and when required, as per the agenda so decided by the Executive Committee.”

5. A plain reading of the said Rule indicates that a General Council Meeting is “ordinarily” required to meet once in three years. It is, thus, clear that there is no hard and fast rule that General Council Meeting must be held mandatorily within a period of three years. The Byelaws are also clear that the said meeting is required to be held at the time and place determined by the Executive Committee. There is no requirement under the Byelaws which postulates that an election of office bearers must be preceded by a General Council Meeting.

6. The learned counsel appearing for the respondents, on advanced

notice, submits that in normal case a General Council Meeting would have been held but there were some disruptions during the period February 2019 to July, 2019 on account of (a) officers of respondent no.1 association were on general election duty which were held in May, 2019; and (b) large scale promotions and transfers. She states that those issues are no longer existent and the respondents are in the process of holding a General Council Meeting as well as the elections.

7. It is well settled that remedy under Article 226 of the Constitution of India can only be invoked to enforce a legal right. In this case, this Court is unable to accept that the petitioner has any legal right to demand that the General Council Meeting be held prior to the elections.

8. The petition is unmerited and is, accordingly, dismissed. The application is also disposed of.

JULY 26, 2019
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VIBHU BAKHRU, J