

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13321 of 2020

&

W.M.P.No.16458 of 2020

S.K.Vijayakumar

... Petitioner

vs

1.The Chief Labour Commissioner/
Registrar of Trade Union
DMS Complex, Teynampet, Chennai - 600 006

2.State Bank of India Officers' Association
Rep. by its General Secretary
State Bank Buildings
No.84, Rajaji Salai, Chennai - 600 001

3.J.Ravi Kumar
(Impleaded as 3rd respondent as per
the order of this court dated 16.10.2020
made in W.M.P. No.18834 of 2020)

4.S.Tamil Venthan
(Impleaded as 4th respondent as per
the order of this court dated 16.10.2020
made in W.M.P. No.18835 of 2020) ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the 1st respondent to take action on petitioner's representation dated 14.09.2020 by forbearing the 2nd respondent from holding elections to the office bearers of the 2nd respondent Association till the Covid 19 pandemic situation eases or till such time as fixed by this Hon'ble Court to have free and fair election by upholding democracy.

For Petitioner	:	Mr.N.G.R.Prasad for Row and Reddy
For R1	:	Mr.V.Shanmugasundar, Spl.GP
For R2	:	Mr.S.S.Rajesh for R2

For RR3 & R4	:	Mr.AR.L.Sundaresan, Sr. Counsel for Mr.T.N.Rajagopalan
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ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. This writ petition has been filed for a Writ of Mandamus Directing the 1st respondent to take action on petitioner's representation dated 14.09.2020 by forbearing the 2nd respondent from holding elections to the office bearers of the 2nd respondent Association till the Covid 19 pandemic situation eases or till such time as fixed by this Hon'ble Court to have free and fair election by upholding democracy.

3. The petitioner is a member of the second respondent association since 2006. On 30.04.2017, the present office bearers were elected. On 30.04.2020, their term of office has expired. Due to pandemic situation, the present office bearers of the Association have been postponing the election, since March, 2020. Therefore, the Registrar of Societies, based on the decision of the Government, issued a press release on 29.07.2020, extending the time to call for General body till December, 2020.

4. While so, the office bearers of the second respondent, on 13.09.2020, hurriedly decided to hold elections and issued a circular on 14.09.2020. Hence, the petitioner submitted a representation dated 14.09.2020 to the second respondent requesting them to postpone the election of State Bank of India Officers Association. However, the second respondent has fixed the schedule for election. Hence, the petitioner has filed this writ petition seeking for the relief, as stated supra.

5. Per contra, Mr.AR.L.Sundaresan, learned senior counsel appearing for the respondents 3 and 4, vehemently opposed to the prayer of the petitioner and prayed that the election may go on as scheduled.

6. Heard both sides and perused the materials available on record.

7. After certain deliberations, it was agreed by all the counsels that only the dates of election may be postponed after Deepavali. As the election process, etc. are already over, it was agreed by all the counsels that only the date of election alone may be considered. Accordingly, as agreed by all the counsels, the election that was scheduled to be conducted on 21, 22 and 23rd October, 2020, is now postponed to 16, 17 and 18th November 2020. All the parties are directed to cooperate for the smooth conduct of the elections.

8. With the above directions, the writ petition is disposed of. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

asr/rsi
To

1.The Chief Labour Commissioner/
Registrar of Trade Union
DMS Complex, Teynampet, Chennai - 600 006

+2ccs to Mr.T.N.Rajagopalan , Advocate SR.No. 34588,34589

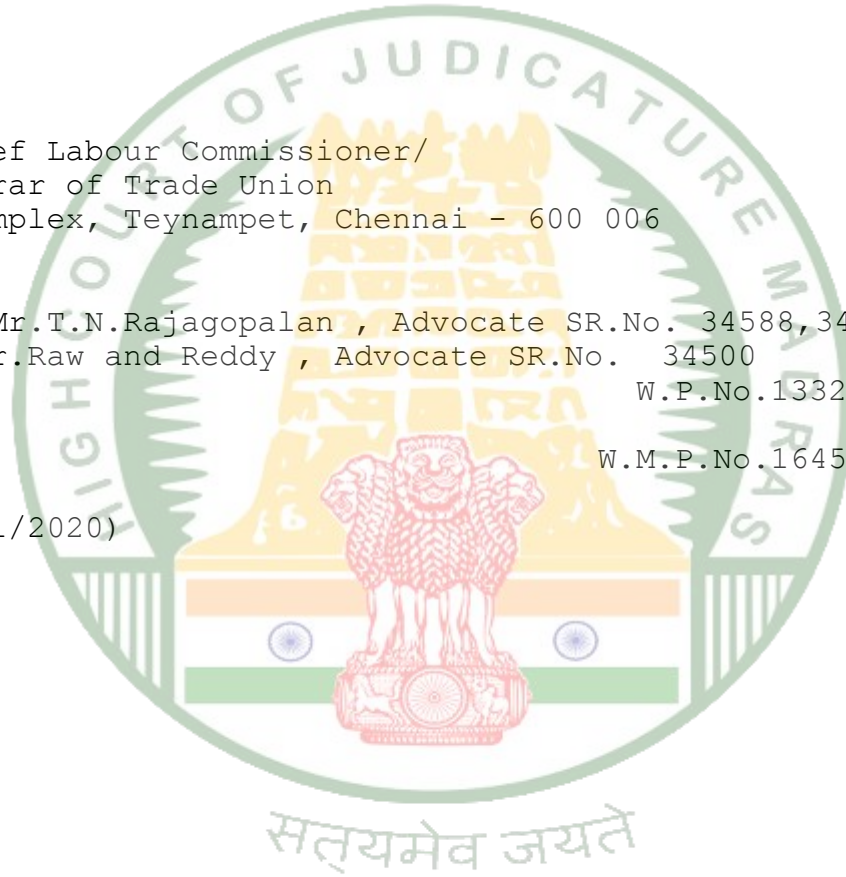
+1cc to Mr.Raw and Reddy , Advocate SR.No. 34500

W.P.No.13321 of 2020

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GP CO
A.SK(10/11/2020)



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