

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 25.02.2020

Pronounced on: 28.02.2020

Coram::

The Honourable Dr.Justice G.Jayachandran

Contempt Petition No.2078 of 2019 and
Sub.A.No.575 of 2019

1.T.M.P.Ananthasayanan
2.T.Moorthy
3.N.Elumalai

... Petitioners in
Cont. petition/Sub Application

/versus/

1.P.Madhavan
Additional Registrar of Trade Unions
& Joint Commissioner of Labour,
Old Corporation Building,
Officers Lane,
Near Raja Theatre,
Vellore – 632001.

2.Mr.Kamaraj Pandian
General Secretary,
Tamil Nadu State Primary Co-operative
Bank All Employees Union,
No.12, Krishna Nagar,
Tagbia Illam,
Ranganathan Salai,
Villupuram,
Villupuram District.

3.Mr.K.Anbarasu,
State Election Officer,
Tamil Nadu State Primary Co-operative
Bank All Employees Union,
Servaikaranpatti, Kujiliamparai Taluk,
Dindikkal District.

...Respondents in
Cont. Petition/Sub Application

Prayer:- This Contempt Petition is filed under Section 11 of Contempts of Courts Act to punish the respondents for willfully disobeying and failing to implement the order of this Hon'ble Court dated 20.09.2019 passed in Writ Petition No.17299 of 2019.

Sub Application No.575 of 2019

To grant an interim in injunction restraining the 2nd respondent union from conducting the direct level election on 30-11-2019 for Villupuram District in violation of the order passed by this Hon'ble court in W.P. No.17299 of 2019.

For Petitioner : Mr.D.Muthukumar, for
M/s.Paul & Paul

For 1st Respondent : Mr.M.Elumalai,
Government Advocate

For 2nd Respondent : Mr.L.Chandrakumar

For 3rd Respondent : Mr.C.Selvaraj

ORDER

This contempt petition is filed alleging that the respondents/contemnors have not complied the order of this Court dated 20.09.2019 in which, this Court has

directed the respondents to conduct election at Block Level and District Level of the Primary Co-operative Employees Union before proceeding with State level election.

2.The contention of the petitioner is that, pursuant to the order passed by this Court, election for Block Level in Villupuram District was notified to be held on 08.09.2012 at 8.30 am without consulting the first respondent and without proper intimation to the members of the Tamil Nadu State Primary Co-operative Bank All Employees Union, as per the bye law.

3.When the matter was brought to the notice of the first respondent, vide letter dated 04.11.2019, he requested the authorities to conduct election as per the order of the High Court in W.P.No.17299 of 2019 dated 20.09.2019 and to follow the bye laws of the second respondent Society. They were also instructed to cancel the notification issued for the election at Block Level election of Villupuram District scheduled to be held on 08.11.2019.

4.The District Election Officer has circulated a notification dated 20.11.2019 informing few members (B.Ramamoorthy and Tamil Selvi) of the Tamil Nadu State Primary Co-operative Bank All Employees Union regarding the District Level election scheduled to be held on 30.11.2019 at 10.00 am. In respect of the District Level election, no notification was issued to the members. Therefore, alleging that without

properly conducting the Block Level election in respect of Villupuram District, by way of secret ballot system under the supervision of the first respondent notification for the Block Level was issued to be held on 08.11.2019 and similarly without proper notification, election for District Level was issued to be held on 30.11.2019. The said action of the first respondent is termed as intentional and deliberate violation of the order passed by this Court in W.P.No.17299 of 2019 dated 20.09.2019 and hence, the present contempt petition is filed.

5.The second respondent has filed counter affidavit. The relevant portion of the counter affidavit is extracted below:-

“.....the directions of this Hon'ble Court is to first hold the elections at Block level followed by District level and then that of the State level election it is as per the above direction and in strict adherence to the bye laws which would prescribe and provide as to how the elections are to be processed and conducted, the Block Level was directed to be held on 08.11.2019 for which purposes the third respondent had initiated the process of issuing intimation as well as the schedule for the said purpose of conducting Block Level election on 08.11.2019 thereby the 3rd respondent had taken all initiatives to hold the Block Level election on the said specified date.

4.This respondent further submits that out of 22 blocks 11 blocks alone did took part in the contest and rest of the 11 blocks did not participate. It is on the basis of the contest for the Block Level and that there having been declaration of successful candidates on 08.11.2019, subsequently in consonance with the Rules and Regulations and that of the Bye Laws in the District Level Election was scheduled for being held on 30.11.2019. For these 53 selected Block Level, contestants did take part and the 53 District Level Selectees took part in the State Level which was schedule to be held on 20.12.2019. As per the schedule for the State Level Elections, the nominations were received from 8 candidates and one of the candidates withdrew from the contest thereby there being no contest, the 7 valid nominations for the State Level were declared elected by 1.00 pm on 20.12.2019 in view of there being no contest, the further process of Election and counting of votes did not arise. A cursory glance of the schedule in regard to the elections at various levels, more particularly that of the Block Level which took place on 08.11.2019 and that of the District Level which took place on 30.11.2019 subsequently that of the State Level which was held on 20.12.2019 would establish that there had occurred neither any violation nor any disobedience much less willful disobedience of this Court's order, more particularly the order made in *WP No.17299 of 2019 dated 20.09.2019*, hence the

contempt petition is liable to be dismissed.”

6.In the contempt petition, it is alleged that the Block level election and District Level election was not properly conducted as per the direction of this Court. Contrarily, the second respondent in his counter affidavit has stated that the election was conducted as per the direction of this Court and there is no violation.

7.From the petition and counter affidavit, this Court finds that the respondents have conducted election at Block Level and District Level and 'whether that was done in accordance with the bye-law' is the matter which has to be agitated independently. It cannot be raised in the contempt petition unless and until there is material to show violation of the direction of this Court.

8.It is an admitted case of the petitioner that election for block level and district level was conducted. His grievance is it was not conducted in accordance with the bye law of the Society. The members were not informed and no details have been furnished about the elected members at the Block Level. If the petitioner has any specific grievance regarding the manner in which the election was conducted, it is open for him to agitate the said issue separately.

9.In view of the above, when the direction of this Court to conduct Block Level

election and District Level election of Villupuram District before proceeding for State level election has been *prima facie* complied, allegation of irregularity in the conduct of the election need not be tested under the contempt jurisdiction.

10.In view of the above, the Contempt Petition is dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

jbm

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/16.03.2020

To

1.Additional Registrar of Trade Unions

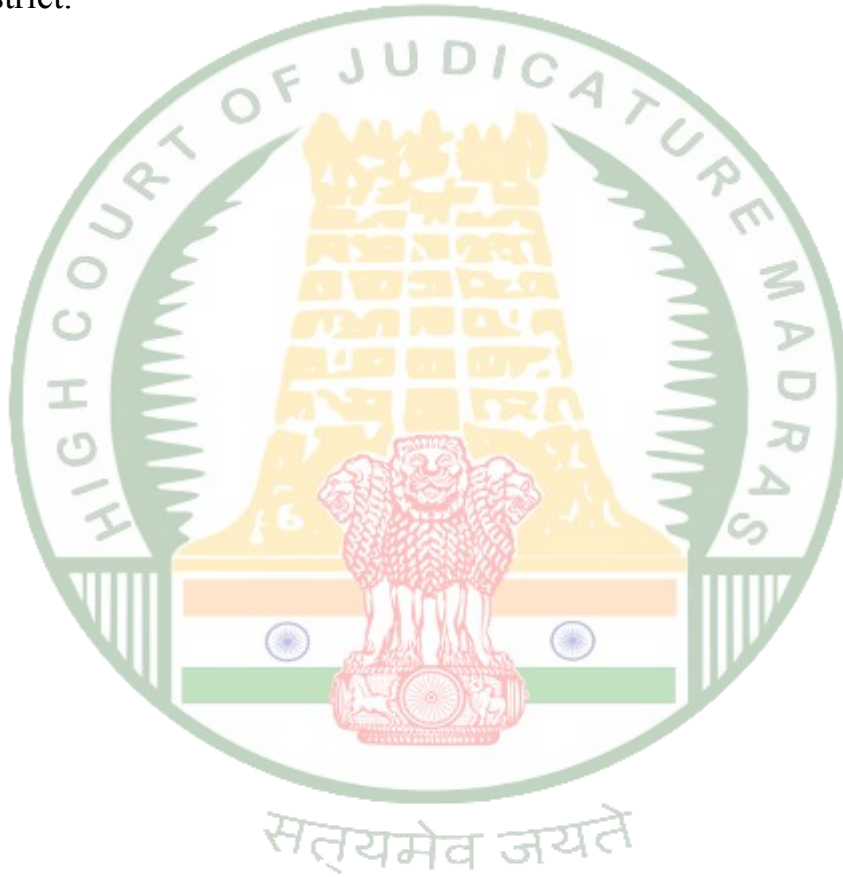
& Joint Commissioner of Labour,
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2.General Secretary,
Tamil Nadu State Primary Co-operative
Bank All Employees Union,
No.12, Krishna Nagar,
Egmore, Madras.

<https://hcservices.gov.in/hcservices/>

Ranganathan Salai,
Villupuram,
Villupuram District.

3.State Election Officer,
Tamil Nadu State Primary Co-operative
Bank All Employees Union,
Servaikaranpatti, Kujiliamparai Taluk,
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