

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.35232 of 2019

and

W.M.P.Nos.36037 & 36038 of 2019

1.T.M.P.Ananthasayanan

2.T.Moorthy

3.N.Elumalai

...Petitioners

Vs.

1.The Additional Registrar of Trade Unions
& Joint Commissioner of Labour,
Old Corporation Building,
Officers Lane, Near Raja Theatre,
Vellore - 632 001.

2.TamilNadu State Primary Co-operative
Bank All Employees Union,
No.12, Krishna Nagar,
Tagbia Illam, Ranganathan Salai,
Villupuram, Villupuram District.

3.A.M.Aasiriyadevan
State Election Officer,
TamilNadu State Primary Co-operative
Bank All Employees Union,
Othakadai Post, Madurai east circle,
Madurai - 625 107.

4.R.Durai Kannu
Joint State Election Officer,
Peruvalapur Post,
Elalkudi Circle,
Tiruchy - 621 651.

...Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus forbearing the respondents 2 to 4 from conducting the State Level election for the Tamil Nadu State Primary Co-Operative Bank All Employees

Union in contravention of the order passed by this Court in W.P.No.17299 of 2019 dated 20.09.2019.

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

For Respondents

R1 : Mr.M.Venkadesh Kumar
Government Advocate
R2 : Mr.L.Chandrakumar
R3 & R4 : Mr.C.Selvaraj

O R D E R

The present writ petition has been filed directing the respondents 2 to 4 from conducting the State Level Election for the Tamil Nadu State Primary Co-operative Bank All Employees Union in contravention of the order passed by this Court in W.P.No.17299 of 2019 dated 20.09.2019.

2. This Court in W.P.No.17299 of 2019 passed the following order:

"9. The deliberate omission to conduct block level election for Villupuram District in spite of adequate membership renders the election for further hierarchy farce and void. Therefore, this Court has no hesitation in allowing the Writ Petition. At the time of admission, this Court, on 20.06.2019 has specifically ordered that any election will be subject to outcome of Writ Petition. Now, this Court for the reasons stated above hold that the Writ Petition deserves to be allowed and therefore, the State Level Election has to be conducted only after completion of Block Level and District Level Election for Villupuram District."

3. The grievance of the petitioner was that the Block Level and District Level election was not conducted. Therefore, this Court granted stay as well as appointed Commissioners to the election for District Level and Block Level. Thereafter, the contempt petition was filed for non compliance of the order passed by this Court in W.P.No.17299 of 2019. This Court in C.P.No.2078 of 2019 dated 28.02.2020 has recorded that the election to Block Level and District Level was conducted as per bye laws. Para 7 reads as under:-

"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."

4. The grievance with regard to irregularity in conduct of election, it is observed that they have to agitate independently. Now that it is submitted by the contesting respondent that the District Level and Block Level is conducted in accordance with bye-law, if there is any further grievance in respect of this election, it is always open to the petitioner, to agitate the same in the manner known to law. Insofar as the present writ petition is concerned, it has become infructuous.

5. It is submitted by the learned counsel for the petitioner that since the contesting respondents have succeeded the administration of office of the union, they have to release the remuneration paid, as ordered by this Court, to the Election Officer. A direction is given to the newly elected body to release the remuneration and reimburse the petitioner of the remuneration paid to the Election Officer.

The matter having become infructuous has been disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD I)MDU

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Registrar of Trade Unions
& Joint Commissioner of Labour,
Old Corporation Building,
Officers Lane, Near Raja Theatre,
Vellore - 632 001.

+1cc to M/s.Paul & Paul, Advocate, S.R.No.24292

+1cc to Mr.C.Selvaraj, Advocate, S.R.No.23659

+1cc to the Government Pleader, High Court, Madras, S.R.No.24084

W.P.No.35232 of 2019

and

W.M.P.Nos.36037 & 36038 of 2019

BR (CO)

KKV/24/07/2020