



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8286 of 2020

and

W.M.P. (MD)No.7681 of 2020

WEB COPY

All India BSNL Executives' Association, (AIBSNLEA)
Branch-Madurai (Tamil Nadu Circle)
Rep.by its Assistant District Secretary,
Tamilmaran

... Petitioner

Vs.

1.The Chairman and Managing Director,
Bharat Sanchar Nigam Ltd., Corporate Officer,
3rd Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janapath, New Delhi - 110 001.

2.The Deputy General Manager (SR),
Bharat Sanchar Nigam Ltd,
SR Cell, Corporate Office,
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janapath, New Delhi - 110 001.

3.All India Graduate Engineers and
Telecom Officers Association (AIGETOA),
Branch - Madurai (Tamil Nadu Circle),
Rep by its District Secretary,
Kannan.

... Respondents

[3rd respondent is impleaded vide order dated 21.08.2020, in W.M.P. (MD)No.8625 of 2020]

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to defer the Membership verification of BSNL working executives for recognition of Association as per the Membership verification notification dated 16.06.2020 of 2nd respondent, till the normalcy is restored.

For Petitioner : Mr.J.Anandkumar
For R1 and R2 : Mr.D.Shanmugarajasethupathi,
Standing Counsel
For R3 : Mr.P.Saravanakumar,
for Mrs.P.Kalaiyarasi Bharathi.



O R D E R

Heard the learned counsel for the Writ Petitioner, learned Standing Counsel for BSNL/R1 and R2, and the learned counsel for the impleaded party.

2.The writ petitioner wanted this Court to defer the Membership verification of BSNL working executives for recognition of Association for the purpose of collective bargaining.

3.The Writ Petitioner reiterated the contentions set out in the affidavit filed in support of this Writ Petition. He pointed out that since the nation is witnessing Pandemic times, it would not be appropriate to undertake to such a verification exercise. This Court passed an interim order to the effect that while the exercise may go on, the results will not be finalized.

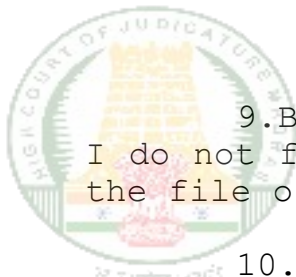
4. BSNL had filed counter affidavit and seeks vacating of the said interim order and dismissal of Writ Petition.

5.Likewise All India Graduate Engineers and Telecom Officers Association had also impleaded themselves as third respondent. The learned counsel appearing for the respondent reiterated the contentions set out in the affidavit filed in support of impleading application. He also adopted the stand taken by the learned Standing Counsel for BSNL.

6.The learned Standing counsel points out that the election was held on 18.08.2020 and that there was overwhelming participation. More than 93% of the members had cast their votes. Because of the operation of the interim order, they could not be announced the results.

7.More than anything else, the learned Standing Counsel pointed out that as per bylaws of the petitioner Association, it is only the Secretary, who can sue or be sued on behalf of the Association. By law No.10 is clearly to that effect. This Writ Petition has been filed by one K.Tamil Maran, who is the Assistant District Secretary of the Writ Petitioner Association.

8.I went through the contents of the affidavit filed in support of the writ petition. As rightly pointed out by the learned Standing Counsel, the deponent of the Writ Petitioner has not anywhere averred that he has been authorised by the Association to file the Writ Petition. No resolution has been enclosed. Therefore, there is considerable substance in the objections raised by the learned Standing Counsel that the Writ Petition itself appears to be an unauthorized one.



9.Be that as it may, in view of the subsequent development, I do not find any ground to let the writ petition remain pending on the file of this Court.

10.Since the writ petitioner has not averred in the affidavit that he has been authorised to file a writ petition and since no resolution copy has been enclosed in the typed set of papers by the petitioner, I dismiss the writ petition on ground of *locus standi*.

11.This Writ Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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