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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.5623 of 2011

And

MP Nos.2 of 2011 and 1 of 2013

The General Secretary,
Public Health Department
Official's Association (Leprosy),
4/9 Muthuramalingam Village,
Aruppukottai Taluk,
Virudhunagar District - 626 105.

...Petitioner

vs.

1. The Secretary,
Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. S.Anbuselvam, S/o.Sankaralingam,
No.33, Arulmani Street,
Palayamkottai, Tirunelveli District - 627 002

(Petitioner in WP No.2171 of 2010)
(R-2 impleaded as per order of Court dated
20.07.2015 made in WP 5623 of 2011)

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in G.O.Ms.No.128, dated 13.09.2010 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent-1 : Mr.C.Selvaraj,
Additional Government Pleader.

For Respondent-2 : Dismissed vide order of Court
dated 26.08.2016.



O R D E R

The writ on hand has been instituted to quash G.O.Ms.No.128, dated 13.09.2010 and to direct the respondents not to interfere with the internal affairs of the petitioner-Association.

2. The order impugned passed by the first respondent reveals that the recognition granted by the Government in favour of the petitioner-Association was cancelled in the year 2010.

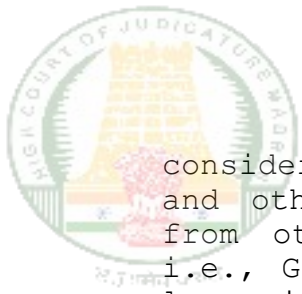
3. The learned counsel for the petitioner states that the petitioner-Association is a Registered Society under the Societies Registration Act and the said registration is intact. The recognition granted by the Government alone was cancelled based on certain false allegations.

4. This Court is of the considered opinion that recognition of an Association by the Government is a privilege granted and the very purpose and the object of such recognition by the Government under the Recognition Rules is to provide an opportunity to such recognised Associations to represent the grievances of the members of the Association. In the absence of any such recognition, the Association may not be in a position to redress their grievances in the name of the Association. Thus, the learned counsel for the petitioner states that the order of cancellation is to be set aside.

5. This Court is of the considered opinion that based on certain allegations, the recognition was cancelled.

6. The counter-affidavit filed on behalf of the first respondent, more specifically, states as follows:-

One Mr.S.Anbuselvam made a representation to the Government on 26.01.2010 to direct the Association to conduct a Special General Body Meeting and also requested further direction to stay this representative General Body Meeting to be held on 13.02.2010. It is also submitted that in the meantime Thiru S.Anbuselvam has filed a Writ Petition No.2171 of 2010 in the High Court of Madras to direct the Public Health Department Official's Association (Leprosy) to conduct the Special General Body Meeting as per the bye-law of the said Association. Moreover, this Court in WP No.2171 of 2010 dated 12.10.2010 has directed the first respondent i.e., Secretary to Government, Personnel and Administrative Reforms Department to



consider the representation of the petitioner dated 26.01.2010 and other such representations, which may have been received from other members of the Association, the first respondent i.e., Government shall pass orders on merits in accordance with law, within a period of two weeks from the date of receipt of a copy of the Court order.

7. As per the directions of this Court, the Government have sent a notice on 08.03.2010 (vide the Government Letter No.5065/K1/2010-1, Personnel and Administrative Reforms (K) Department to the General Secretary of the above Association, for requesting to state the reason for not convening the Special General Body Meeting as requested by the members of the Association, within seven days from the date of receipt of notice. The General Secretary of the said Association has requested two weeks time for giving the reply to the above notice to the Government.

8. The petitioner-Association has taken much more time to conduct Special General Body Meeting. The Government issued another notice on 05.05.2010 vide the Government Letter No.5065/K1/2010-4, Personnel and Administrative Reforms (K) Department, requesting to conduct the Special General Body Meeting, within ten days and send the results of the Meeting.

9. The petitioner-Association has sent a letter on 10.05.2010 stating that the Meeting will be conducted on 21st and 22nd August 2010. Again they have written a letter to the Government dated 07.06.2010 stating that they are arranging to conduct the Meeting of the Association.

10. The petitioner-Association has taken a long time to conduct a Special General Body Meeting. The Government issued a show cause notice dated 30.06.2010 vide the Government Letter No.5065/K1/2010-5, Personnel and Administrative Reforms (K) Department as per G.O.Ms.No.229, Public (Ser-1) Department, dated 22.01.1974.

11. On account of efflux of time and due to various developments during the pendency of the writ petition for the past about ten years, the petitioner is at liberty to submit a fresh application before the first respondent for grant of recognition under the Association Recognition Rules. In the event of filing any such application, the first respondent may consider the same and decide the issues on merits and in accordance with law as expeditiously as possible.



12. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Svn

To

The Secretary,
Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.58418
+lcc to the Government Pleader, S.R.No.58537

WP 5623 of 2011

GSM[co]
NSK 29/11/2021