



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY THE 08th DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE C.SARAVANAN

A. No.3643 of 2021

in

C.S. No.381 of 2020

1. Tamil Nadu State Apex Co-Operative
Bank Officers Union,
Reg.No. 2506/MDS, Rep. by its General Secretary,
No.233, NSC Bose Road, Chennai-1.
2. G.Vairappan,
President, Tamil Nadu State Apex Co-operative
Bank Officers Union,
Sundara Illam, No.3, Vallalar Street,
AnnaiIndra Nagar, Velachery, Chennai-42.
3. J.Venkateswaran,
General Secretary, Tamil Nadu State Apex
Co-operative Bank Officers Union,
Flat No.12, D.No.3/81, Parthasarathy Nagar (Annex),
Duraipakkam, Chennai-96. ... Plaintiffs

-Versus-

1. T.Baskaran,
20, 17th Street Extension,
Tansi Nagar, Velachery, Chennai 42.
2. R.Krishnarajan,
Chief Manager, TNSC Bank,
No.233, NSC Bose Road, Chennai 600 001.



Angappanayackan Street, 2nd Floor,
Chennai 600 001.

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4. TN State Apex Co Operative Bank,
Rep.by its Managing Director,
No.233, NSC Bose Road, Chennai 600 001.
5. Assistant General Manager (Banking),
TN State apex Co Operative Bank,
Head office No.233, NSC Bose Road,
Chennai 600 001.
6. The Branch Manager,
Canara Bank, Thambu Chetty Branch,
Angappan Naickan Street,
Chennai 600 001.

... Defendants

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...Applicants/Defendant No.1 & 2

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Flat No.12, D.No.3/81, Parthasarathy Nagar (Annex),
Duraipakkam, Chennai-96.

... Respondent Nos.1 to 3/ Plaintiffs

4. D.S.Ganesan,
O/o.AIBOA 109/10,
Angappanayackan Street, 2nd Floor,
Chennai 600 001.

..4th Respondent/3rd Defendant

5. Tamil Nadu State Apex Co Operative Bank,
Rep.by its Managing Director,
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...6th Respondent/5th Defendant

7. The Branch Manager,
Canara Bank, Thambu Chetty Branch,
Angappan Naickan Street,
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... 7th Respondent/6th Defendant

Application praying that this Hon'ble Court be pleased to appoint
a retired High Court Judge as election officer to finalise and to conduct the
election to the 1st respondent/Plaintiff Union within a specified time.

This application Coming on this day before this Court for hearing
the in the presence of Mr.N.G.R.Prasad, Senior Counsel for M/s.Row and
Reddy, S.Satish Kuma and V.Govardharan, Advocates for the applicants
herein and Mr.V.Prakash, Senior Counsel for M/s.Gautham, S.Raman,



Summons and the Affidavit of R.Krishnarajan filed herein and the order dated 06.09.2021 made in A.Nos.2091 and 2405 of 2021 and, the Court made the following order:-

The applicants have filed this application for appointment of a Retired High Court Judge to finalise and conduct the election of the 1st Respondent union within a specified period. Earlier, by an order dated 23.3.2021, the respondents herein, were directed to conduct the election of the 1st Respondent Union by 22.06.2021.

2. On account of various factors, including reluctance on the part of the office bearers of the 1st Respondent Union and on account of the 2nd lockdown imposed during the 2nd week of May, 2021 the election was not held by 22.06.2021. Thereafter, pursuant to applications filed by either of the parties to the dispute, yet another order came to be passed on 06.09.2021 in A.Nos.2091,2405 of 2021.

3. As per the aforesaid order, the time for completing the election process was fixed as **15.10.2021** and if the election was not conducted by the aforesaid date, liberty was given to the applicants herein to approach this court for appointment of an Election Officer.



4. The applicants have now rushed to the court by stating that the entire election process is vitiated and is liable to be interfered and pray for appointment of a Retired High Court judge to conduct a free and fair election of the 1st Respondent Union.

5. Appearing on behalf of the applicants, the learned counsel Mr. Prasad submits that the election process has been deliberately delayed by the respondents with a view to shut out the aspirations of the applicants and other members of the 1st Respondent Union. It is submitted that no steps were taken by preparing an electoral list and publishing the same and by fixing an earlier date of filing nomination and for entertaining objections to the nomination.

6. It is further submitted that the respondents have issued a circular dated 27.09.2021, without finalising the electoral list. It is further submitted that in the said circular, the 3rd respondent has merely called upon the members who have not paid the subscription fee to pay the same by 30.09.2021 and fixed the date of election as 12.10.2021. It is submitted that as on 31.12.2019, there were about 179 members in the 1st

Respondent/Plaintiff Union. It is not clear as to how many members are still



there in the 1st Respondent/Plaintiff Union.

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7. It is further submitted that the manner in which the election process is being carried out at the end of the deadline set by this Court is intended to ensure that applicant, and other members do not participate in the electoral process.

8. It was further submitted that the election notice dated 04.10.2021 fixing the venue is contrary to the bye laws of 1st Respondent Union in as much as clear 15 days notice has not been given for the proposed election on 12.10.2021. The learned counsel for the applicants further submits that a very short notice for filing the nomination on 07.10.2021 has been given after issuing a circular just one day prior on 06.10.2021.

9. He submits that the nomination was to be accepted by 07.10.2021 for a period of 2 hours between 5.00 p.m. and 7.00 p.m. on the said date, making the entire election process a mockery. The learned counsel for the applicants further the submits that election involve objections to the nomination of desirable persons whereas the proposed election process that is being carried out by the respondents and no opportunity is being given to



eliminate undesirable person. The election is being conducted in a wholly undemocratic manner.

10. Appearing on behalf of the 1st Respondent Union and the other respondent who have been asked to officiate the election process, Learned Senior Counsel, Mr. V. Prakash submits that the entire process is in accordance with the bye laws of the 1st Respondent Union and in compliance of the order of this Court dated 06.09.2021.

11. It is submitted that the election notice was issued on 27.09.2021. Not only the date of the election was announced in the said circular, the members who have not paid the subscription have been called upon to pay the same by 30.09.2021 as they are otherwise not entitled to participate in the election. The Learned Senior Counsel further submits that as per the bye laws, a member who fails to pay subscription for 3 consecutive months cease to be a member and forfeits their claim to any benefit from the Union from the date of his ceasing to be a member.

12. It is submitted that due to the prevailing situation and out of the confusion caused by the respondents, some of the members who had not paid subscription fee have thus being given an opportunity to pay



subscription fee by 30.09.2021.

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13. I have considered the arguments advanced by the learned counsel for the applicants and the learned senior counsel for the Respondent. The election process has already commenced, and therefore the election process cannot be stalled at this point of time.

14. At the same time it is noticed that the circular dated 27.09.2021 allows the members to pay the subscription fee on or before 30.09.2021. It cannot be put against the applicants and other members who may not have paid the same before 30.09.2021. The last date for filing the nomination has also expired on 07.10.2021. Considering the fact that there are rival factions which are trying to control the affairs of the 1st Respondent Union and considering the fact that the time given for paying the subscription fee has already expired, liberty is given to the applicants to pay subscription fee by 11.10.2021.

15. Considering the fact that the election is to be held on 12.10.2021, the members who have not paid their subscription fee are permitted to file their nomination latest by 10.10.2021. The respondent/election officer is directed to accept their nomination. These



members shall pay their subscription fee latest by 11.10.2021. In case, they fail to pay their subscription fee by 11.10.2021, the Election Officer shall reject their nomination in the proposed election.

16. Therefore, this application filed to stall the election process, which is slated to be held on 12.10.2021 cannot be allowed.

17. It is also made clear that if an account of the directions contained herein, if the election officer is not able to conduct the election on 12.10.2021 the election shall stand postponed by another 30 days and the entire election process shall be restarted. It is however open to the applicants to countermand the election in the manner known to law after the election is over. The application is disposed with the above direction.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
08th DAY OF OCTOBER 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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ORDER

DATED : 08.10.2021

THE HON'BLE MR. JUSTICE
C.SARAVANAN

FOR APPROVAL:27.10.2021

APPROVED ON: 28.10.2021



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

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