



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.30065 and 32614 of 2014
and

M.P.Nos.2 & 2 of 2014

W.P.No.30065 of 2014:

All India Scheduled Caste &
Scheduled Tribes Railway
Employees Association,
[AISCTREA], Reg.No.S-1517,
Represented by its Outgoing
General Secretary,
S.Mangaraman,
ICF Zone, Chennai - 600 038.

... Petitioner

Vs

1. The Executive Director,
Establishment [Reservations],
Railway Board, Rail Bhawan,
New Delhi -1.
2. The Chief Personnel Officer,
Integral Coach Factory [ICF]
Chennai - 600 038.
3. All India Scheduled Caste & Scheduled
Tribes Railway Employees Association,
[AISCSTREA] Reg.No.S-1517,
Rep. By its General Secretary -ICF Zone,
V.Santha Kumar, ICF, Chennai - 600 038.

(R-3 is impleaded as per order dated 09.12.2015
in M.P.No.1/15 in W.P.No.30065 of 2014)

... Respondents

W.P.No.32614 of 2014:

All India Scheduled Caste &
Scheduled Tribes Railway
Employees Association,
[AISCTREA], Reg.No.S-1517,
Represented by its
General Secretary-ICF Zone,
V.Santha Kumar,
ICF, Chennai - 600 038.

... Petitioner



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Vs

1. The Union of India,
Rep. By its Secretary,
Ministry of Railways,
Government of India,
Rail Bhavan,
New Delhi- 110 001.
2. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 110 001.
3. The Executive Director,
Establishment [Reservations],
Railway Board, Rail Bhavan,
New Delhi -110 001.
4. Mr.K.Mal
5. The General Manager,
Integral Coach Factory (ICF),
Chennai - 600 038.
6. The Chief Personnel Officer,
Integral Coach Factory [ICF]
Chennai - 600 038.
7. The Central Executive Committee (CEC),
All India Scheduled Caste & Scheduled
Tribes Railway Employees Association,
[AISCSTREA] Reg.No.S-1517,
Rep. by its General Secretary ,
171/B-3, Basant Lane,
Railway Colony,
New Delhi - 110 055.
8. Mr.S.Mangaraman ... Respondents

PRAYER in W.P.No.30065 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent with reference to his Proceedings bearing No.2013-E (SCT) I/22/15 Dated 11.11.2014 and to quash the same as unjust and illegal with respect to the directions directing the 2nd respondent to withdraw the facilities extended to the association in ICF Zone and to direct the respondents not to withdraw the accommodation provided to the petitioner in the ICF Zone at Chennai, till such time the new body is elected to administer the affairs of the petitioner.



PRAYER in W.P.No.32614 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, Calling for the entire records relating to the impugned letter bearing No.2013-E (SCT) I/22/15 dated 11.11.2014 of the 3rd respondent and the consequential impugned letter bearing No. PB/CON/46-E/IX dated 14.11.2014 of the 6th respondent and to quash the same as unconstitutional, illegal, unlawful, unsustainable, arbitrary, whimsical and capricious and direct the 5th and 6th respondents to extend all facilities including office accommodation to the petitioner.

W.P.No.30065 of 2014:

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.P.T.Ramkumar
[For R1 and R2]
Mr.Karthik Jagannath
[For R3]

W.P.No.32614 of 2014:

For Petitioner : Mr.K.Karthik Jagannath
For Respondents : Mr.P.T.Ramkumar
[For R1 to R6]
Mr.V.Raghavachari
[For R7 and R8]

COMMON ORDER

The order dated 11.11.2014 issued by the Executive Director (Establishment), Ministry of Railways and the consequential order passed by the Chief Personnel Officer in proceedings dated 14.11.2014 are under challenge in the present writ petitions.

2. W.P.No.30065 of 2014 was filed by the Then General Secretary S.Mangaraman, who claimed as the General Secretary of All India Scheduled Caste and Scheduled Tribes Railway Employees Association during the relevant point of time.

3. W.P.No.32614 of 2014 was filed by the General Secretary Mr.V.Santha Kumar, claiming himself as the Elected General Secretary of the very same Association namely All India



Scheduled Caste and Scheduled Tribes Railway Employees Association.

4. Thus, it is clear that in the name of one Association, two writ petitions are filed by two General Secretaries, each one claiming themselves as the General Secretary of the Association.

5. The facts in nutshell to be considered are that the Elections were conducted on 27.11.2013 to elect the office bearers of the Association and Mr.S.Mangaraman, claiming himself as General Secretary in W.P.No.30065 of 2014 was defeated and Mr.V.Santha Kumar, who filed W.P.No.32614 of 2014 was elected as the General Secretary.

6. However, the said Mr.S.Mangaraman filed the writ petition and pursuant to the interim order granted by this Court, is in occupation of the Railway premises for the purpose of Association activities.

7. The Railway authorities, in view of the dispute between the office bearers as well as the Election dispute between two groups, passed an order on 11.11.2014, stating that the Railway Board "has been decided to de-recognize the zonal body of SC/ST Association of ICF Zone till such time the SC/ST Association resolve their disputes among themselves amicably and a non-disputed elected body of the said Association in ICF Zone comes into place. Till such time, all the facilities extended to such Association in ICF Zone stands withdrawn."

8. The consequential order passed by the Chief Personnel Officer in proceedings dated 14.11.2014 reiterates the said order and it was communicated. However, by obtaining an interim order, the petitioner in W.P.No.30065 of 2014 is in occupation of the Association premises allotted by the Railways.

9. It is brought to the notice of this Court that the period of elected office bearers are three years and Mr.S.Mangaraman was defeated in the Election on 27.11.2013 itself and thereafter, Mr.V.Santha Kumar was elected, who in turn, also completed his tenure of three years in the year 2016 and thereafter, an Adhoc committee was appointed and regular elections are yet to be conducted. Civil Suit is also pending and there is an internal dispute between two groups.

10. Under these circumstances, the Railways cannot favour any one of the group or allot Association premises to any of the groups unless the internal disputes are resolved between the parties. The orders impugned also unambiguous that after resolving the disputes between the parties and a non-disputed



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elected body of the said Association in ICF comes into place, the Railway will not be in a position to extend the facilities. The decision taken cannot be found to be incorrect and in fact, when there are internal dispute between the Association, the benefits cannot be extended to any one of the groups by the Railway Board and the Railway Board has passed an order to that effect and informed the Association that after resolving the dispute, the facilities will be extended.

11. When it is clearly stated that the facilities will be extended after a non disputed elected body comes into place, this Court is of an opinion that there is no other reason to interfere with the order impugned and any illegal occupancy of the Railway premises cannot be allowed and it is for the authorities to initiate all appropriate actions. Till such time, the disputes are resolved between the groups and a non disputed elected body comes into place. In this view of the matter, the writ petitioners are not entitled for any relief and the order passed by the respondent Railways in proceedings dated 11.11.2014 and 14.11.2014 are to be implemented forthwith. Any illegal occupation of the Railway premises cannot be allowed and all such persons, who all are illegal persons, are bound to be evicted from the premises.

12. With these observations, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Executive Director,
Establishment [Reservations],
Railway Board, Rail Bhawan,
New Delhi -1.
2. The Chief Personnel Officer,
Integral Coach Factory [ICF]
Chennai - 600 038.



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3. The Secretary,
The Union of India,
Ministry of Railways,
Government of India,
Rail Bhavan,
New Delhi- 110 001.

4. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 110 001.

5. The General Manager,
Integral Coach Factory (ICF),
Chennai - 600 038.

6. The General Secretary -ICF Zone,
V.Santha Kumar, ICF,
All India Scheduled Caste & Scheduled
Tribes Railway Employees Association,
[AISCSTREA] Reg.No.S-1517,
Chennai - 600 038

+1cc to M/s.Karthick Jagannath, Advocate, S.R.No.65159

+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.65433 (25/02/2022)

W.P.Nos.30065 and 32614 of 2014

SJ(CO)
SU(22/12/2021)