



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10778 of 2021
and WMP(MD) Nos.8399 & 8401 of 2021
(Through Video Conferencing)

S.Arokiadoss

... Petitioner

Vs.

1.The Union of India,
Rep. by the General Manager,
Southern Railway
Park Town,
Chennai 600 003.

2.The Principal Chief Personnel Officer,
Southern Railway
Park Town,
Chennai 600 003.

... Respondents

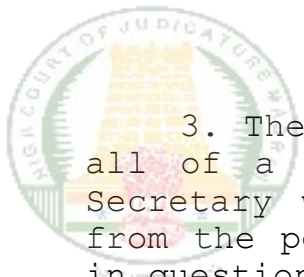
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the relevant records pertaining to the impugned order passed by the 2nd respondent in proceedings No.P(S)/171/OBC/BOB/2005/Vol.XIII, dated 17.06.2021 and quash the same as illegal and to direct the respondents to maintain status quo of the petitioner as Branch Secretary, AIOBCREA of Diesel Loco Shed, Southern Railway, Tiruchirappalli till conducting a secret ballot election or convening General Meeting of AIOBCREA, South Zone.

For Petitioner	:Mr.J.Sanjey Vignesh
For Respondents	:Mr.S.Manohar

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent in proceedings dated 17.06.2021 and for a consequential direction to the respondents to permit the petitioner to continue as the Secretary of the AIOBCRE of Diesel Loco Shed, Southern Railway till proper elections are conducted and a general meeting is convened.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.



3. The grievance of the petitioner is that the respondents have all of a sudden removed the petitioner from the post of Branch Secretary without any valid reason or calling for any explanation from the petitioner. It is seen from the records that the Society in question is a Society registered under the Societies Registration Act. Just because the Society has been recognized by Southern Railway, it cannot get the status of a State under Article 12 of the Constitution of India. The impugned order passed by the second respondent can never become a subject matter of challenge in a writ petition and at the best, the petitioner can only question the same before a competent civil Court. This Court, exercising jurisdiction under Article 226 of the Constitution of India, cannot enter into private disputes between the parties and more particularly in a election dispute concerning a registered society. Therefore, this Court is not inclined to entertain this writ petition and liberty is granted to the petitioner to approach a civil Court and work out his remedy in accordance with law.

4. The writ petition is accordingly dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

To

1.The General Manager,
Southern Railway
Park Town,
Chennai 600 003.

2.The Principal Chief Personnel Officer,
Southern Railway
Park Town,
Chennai 600 003

W.P. (MD)No.10778 of 2021

30.06.2021