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O.A.No.584 of 2022

Original Application No.584 of 2022

in

C.S.No.186 of 2022

C.V.KARTHIKEYAN.,J.

The Hockey Unit of Tamil Nadu is in litigation. It is not appreciated and should not have been instituted or initiated at all. Any litigation with respect to Hockey Unit of Tamil Nadu would directly effect not the Office bearers, who want to become President or Secretary or hold any other post, but the players who want to represent either the Districts within State of Tamil Nadu or the State of Tamil Nadu in other competitions.

2. Arguments advanced by either the learned Senior counsel for the applicant / plaintiff or the learned Senior counsel for the 1st and 2nd respondents / defendants have not directly addressed the sweat and toil which every player / every athlete spends and on the mental agony which they would face after spending numerous months of training, if they were to suddenly face a situation of the Hockey Unit of Tamil Nadu being disqualified owing to pending litigation. This Court will also have to examine their plight and their interest.

3. After arguments have been completed by both the learned



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Senior counsels, Mr.C.Mani Shankar, on behalf of the plaintiff, and Mr.G.Rajagopal, on behalf of the 1st and 2nd respondents / defendants, there was a representation made on behalf of the 3rd defendant, the Tamil Nadu State Olympic Association, by a counsel who had filed no Vakalat, and who had therefore no authority to report before this Court, as on date, but who had been invited by the plaintiff at her behest. This attitude is strongly deprecated and I hope that it does not happen in future. If notice is served on 3rd defendant, certainly there can be representation but notice has not been served. The 1st and 2nd defendants are on caveat and adequate opportunity had been given to them to address the issue. I am sure Mr.C.Mani Shankar, learned Senior counsel had also been given more than adequate opportunity to address the issues on behalf of the plaintiff.

4. That prelude has to be expressed because this Court also has to take judicial notice of events which had been circulated in the News Papers on an issue in which Judiciary was directly involved namely with respect to All India Football Federation. It is common knowledge that FIFA, the International Body had suspended All India Football Federation for the sole reason that the Court had interfered with the election process, and had directed how the election should be



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conducted and who should be nominated members to participate in the elections. The order of the Hon'ble Supreme Court, dated 22.08.2022, which is available in the website of the Hon'ble Supreme Court, reflects the general tone and the attitude, which Courts should adopt with respect to elections / nominations for posts relating to sports body. The primary objective should be to ensure that sports persons are not affected by unwanted controversies raised by those who claim that they are more interested in sports but who directly or indirectly actually destroy the sports structure and destroy the future of sports persons in this Country.

5. In this plaint, the hockey players of the State, would be directly affected by this litigation, which has been instituted by the plaintiff, who terms herself as General Secretary but whom the defendants claim had been suspended from the post of General Secretary.

6. Let me not enter into any further discussion on that particular aspect since it is brought to the notice of this Court that a Writ petition has been filed touching upon such suspension and is pending before this Court. But the fact remains that she claims to be General Secretary and it is claimed that she has been suspended as General Secretary. Let that issue rest at that.



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7. In the Order of the Hon'ble Supreme Court in the case of ***All India Football Federation Vs. Rahul Mehra in S.L.P.Nos.30748 & 30749 of 2017*** dated **22.08.2022** which I took efforts to examine in view of the similarity of the issues, and which I must also admit that neither of the two learned Senior counsels or the learned counsel who represented the 3rd defendant had mentioned about, the Hon'ble Supreme Court had stated that when they had proposed elections for the All India Football Federation, they had, among various other posts also state that these eminent players should be co-opted as members of the Executive Committee and for men, top 4 players should be co-opted and for women, 2 eminent players should be co-opted. When these aspects were brought to the notice of the International Body, they suspended the All India Football Federation which directly affected the players since, the Under - 17 Womens World Cup 2020 was scheduled to take place in October, 2022 and as stated by the Hon'ble Supreme Court was in "Jeopardy". Therefore, intervention was made by the Hon'ble Supreme Court to regularize the nature of elections and hold it in conformity with the requirements of the All India Football Federation. This also sent a signal that there should be no Court interference in such matters.



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8. The plaintiff in this case has come to Court with the reliefs seeking a declaration that a Board notice dated 18.08.2022 issued by the 2nd defendant / named individual who is President of the Hockey Unit of Tamil Nadu and the Office bearers of the alleged units of the 1st defendant / Hockey Unit of Tamil Nadu, calling for conduct of elections and Annual General Meeting on 08.09.2022 as null and void. In effect, the plaintiffs seeks postponement of elections which is scheduled on 08.09.2022 / tomorrow.

9. The plaint was presented before the Joint Registrar (OS) on 30.08.2022. Between 22.08.2022 and 30.08.2022 there are 7 clear working days. It is not known why the plaintiff delayed till the last minute for filing this suit though it is evident that it was to the knowledge of the plaintiff that the elections were scheduled on 08.09.2022. The suit was admitted on 02.09.2022. It was first listed before this Court on 05.07.2022 and since the 1st and 2nd defendants had entered caveat, the matter was adjourned to today (07.09.2022).

10. Heard arguments advanced as aforesaid by Mr.C.Mani Shankar, learned Senior Counsel for the plaintiff and G.Rajagopal, learned Senior counsel for the 1st and 2nd defendants.



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11. Let me not revert back to the representations made on behalf 3rd defendant, since Vakalat has not been filed and I am also not sure whether such representation was made with due authority or not.

12. The plaintiff, had stated that as General Secretary of Hockey Unit of Tamil Nadu, though suspended, she has a direct interest over the functioning of the Hockey Unit of Tamil Nadu.

13. An additional typed set of papers has been presented in Court today which contains further documents and in which, the list of allegations seeking why the elections scheduled on 08.09.2022 should be postponed or deferred have been stated. It had been stated that the constitution of Executive Committee should consist only 9 members whereas elections have been called for 17 members. It had also been stated that the notice period required at least 40 days before expiry of Execution Committee's term but only 20 days had been given. The Electoral college list should have been drawn up prior to 90 days to the date of election but only 15 days time had been given. It was also stated that election notice should have been issued 2 months prior to expiry of term of Execution Committee but only 28 days notice had



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been given. It had also been stated that the Election Commissioner, Assistant Election Commissioner should be elected 40 days before the expiry of the Executive Committee term whereas an individual called K.Balasubramanian, who is claimed to be as an Advocate had been nominated to act as the Election Commissioner. There were further points which were stated namely about the nomination forms which should have been issued for 3 days continuously atleast 30 days before the election but which stipulation was also violated and there were also posts of Honorary President, Honorary Vice President and the plaintiff wondered what was indicated. Pointing out these lacunae in the procedure adopted, it had been urged that the elections which are scheduled on 08.09.2022 should be interfered with.

14. With respect to Electoral College, which consists of Districts, e-mails sent by Dharmapuri Unit, Madurai Unit, Chennai Unit and Cuddalore Unit have been cited. They have expressed wonder at the persons who have been nominated and they have expressed a view that the persons so nominated do not represent their districts and it is therefore urged that interference by this Court is warranted on this ground also. It is also stated that several of the Districts have become defaulters and that aspect has been overcome by what can be termed



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as a slight change in names by interchanging the names. Instances of this had also stated in the plaint and let me refer to atleast two names wherein Kanyakumari Unit which was originally called Hockey Unit of Kanyakumari had been termed as Unified Kanyakumari District Hockey and Karur District namely Karur District Hockey Association had been termed as Hockey Unit of Karur. Similar interchanging of names with respect to 16 Districts had been cited in the plaint.

15. It is therefore very strenuously pleaded on behalf of the plaintiff by Mr.C.Mani Shankar, learned Senior counsel, that the procedure adopted calling for the elections, calling for the nominations for the Electoral College and also the persons who are to stand and contest in the posts are required to be revisited and examined by this Court. Reference is also drawn to a Government Order wherein it is stated that if a Government servant intends to participate in elections, he/she can participate only for two consecutive terms and not more. It is also pointed out that several of the nominations received for various posts included names of the persons who have contested for two or more terms and therefore, it is stated that they stand automatically disqualified.



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16. A reference was also made to an order of a learned Single Judge of this Court who was of the opinion that sports units should be run by eminent sports persons and any other individual either politician or bureaucrat or former Judges or Industrialists or anybody else who claim that they have a standing in society, in their own perspective, whether society regards or not, should not participate. It was therefore urged that the elections should be interfered with, postponed or deferred by this Court till matters are set right.

17. Mr.G.Rajagopal, learned Senior counsel on behalf of the 1st and 2nd defendants however contested and disputed each one of the grounds raised.

18. The learned Senior counsel pointed out that the first objection raised namely increase in the number of Executive Committee members from 9 to 17 was actually pursuant to a resolution passed by the Hockey Unit of Tamil Nadu when the plaintiff herself was the General Secretary which effectively means that as General Secretary, she had signed the agenda and had also signed the resolution which had been ultimately passed increasing the number of Executive



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Committee members from 9 to 17.

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19. A doubt was raised by the plaintiff whether such resolution had been accepted or given the stamp of approval by the Registrar of Society. Reference was made to Section 12 of Tamil Nadu Societies Registration Act. To this, for good measure, further additional typed set of papers had been presented on behalf of the defendants indicating that the Registrar of Society had actually registered the resolution and given their stamp of approval.

20. With respect to the various time periods of which complaint was made that they had been shrunk down to lesser number of days, it is pointed out by Mr.G.Rajagopal, that Hockey Unit of Tamil Nadu functions under the Hockey India which is the all India Unit and that, they had given directions and also the schedule giving the specific dates on which nominations should be called for and the election details had been given out and it was urged that the elections should be conducted. It had been very specifically stated by the all India Unit that the elections should be completed on or before 08.09.2022.



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21. I hold that As General Secretary, if the plaintiff claims that she is not aware of these directions, then she shall have to deeply introspect on her own attitude at holding the post as General Secretary. She cannot claim ignorance. She cannot claim innocence. She cannot seek indulgence of this Court on this ground. Any communication from Hockey India, if forwarded to the Tamil Nadu Hockey Unit, is a communication forwarded to all the Office bearers of the Tamil Nadu Unit and no Office bearer who is functioning or even suspended, can claim ignorance of the same. If it is stated that such communication had not been issued to her, then she must suffer the order of suspension. This Court cannot come to her assistance on that regard.

22. It is also contended by Mr.G.Rajagopal that Hockey India had specified the time schedule for conducting the elections and had given the schedule giving dates.

23. Attention to this particular communication had been drawn. It is seen that there has been correspondence emanating from 01.10.2021 onwards and also on 16.09.2022 and even earlier on 16.08.2022, 17.08.2022 and on consecutive dates. It is thus seen that the Tamil Nadu Unit is under a compulsion to comply with the



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stipulation of its parent body, namely Hockey India. The repercussions of not so complying with, would be drastic. Neither the plaintiff would be effected nor the President of the Tamil Nadu Unit would be affected. Certainly 3rd defendant would not be affected. But those who would be affected, would be only be those players who had put in their sweat and toil and spent several hours and days practicing with a hope that they would represent and play since all they want to do is to play hockey and nothing else. This Court is directly interested in the welfare of the players and certainly not in ensuring that the ego fight among the office bearers should be aggravated to prevent the players from participating in the tournaments either at the District level or State level.

24. It is also pointed out by Mr.G.Rajagopal, learned Senior counsel, that primarily the issue of increase in Office bearers of Executive Committee from 9 to 17 is a direct result of the resolution passed by Tamil Nadu Unit, at a time when the plaintiff was the General Secretary. That particular resolution had been forwarded to the Registrar of Societies, who had given their stamp of approval.

25. Insofar as the 3rd defendant is concerned, I should deprecate that they had slept all the time and when the suit had been instituted



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on the behest of the plaintiff had represented before this Court. They should have been more vigilant. They should be impartial. If they do not know how each sports unit is run then the Office bearers of 3rd defendant have no manner of right to continue in their posts. They should not wait for complaints to come. They should know in what manner the various sports units in each District is run. It is for that purpose, the 3rd defendant had been formed. Though they had appeared at the behest of the plaintiff, in my opinion, they have not swung the pendulum in favour of the plaintiff but their presence has tilted the balance against the plaintiff.

26. Coming back to the issues in the suit, it is stated by Mr.G.Rajagopal, learned Senior counsel, that nominations for the election have been received and the names of those who are elected will have to be forwarded to Hockey India Unit on 08.09.2022. The time limit is fixed. The time limit has to be adhered to. The plaintiff may have various grievances by losing out on the post of either the General Secretary or otherwise. She has to work out her remedies.

27. Till the suit is pending, I am not prepared to grant injunction in favour of the plaintiff from withholding elections. Let elections



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proceed, on 08.09.2022. Let the names of those who are elected be forwarded to Hockey India. Let the Tamil Nadu Unit get recognized. Let the players have freedom to participate in the tournaments. Let them go to the play grounds and practice and participate in the tournaments. If still there are any grievances, since the suit is pending, the plaintiff is always at liberty to raise those issues. But let the elections on 08.09.2022 proceed further and let the stamp of approval and recognition be obtained from Hockey Unit of India.

28. In view of the above observations, the Original Application stands dismissed. As stated, the plaintiff can always approach the Court at any point of time, if it is found that there has to be any readjustment of the names or of the posts. Primarily, I would rather advice the plaintiff to concentrate on ensuring that her suspension is revoked in some manner or other. No order as to costs.

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