



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28093 of 2022 and
W.M.P.(MD)No.22177 of 2022

R.Prabhu

... Petitioner

Vs.

1. The Commissioner,
Department of Animal Husbandry
and Veterinary Services,
Integrated Building for Animal Husbandary
and Fishery Depratment,
571, Anna Salai, Nandanam,Chennai - 600 035.

2. The General Secretary,
Tamil Nadu Livestock Inspectors Association,
Old No.10, New No.23,
Sadaiyappar Street, Saidapet,
Chennai - 600 015.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to expel/remove the Senior Veterinary Supervisors from the membership of the Tamil Nadu Livestock Inspectors' Association as they are ineligible to be members of this association and for the conduct of the administrative functions of this association in strict conformity with the rules as laid down in the Bye-law of this association henceforth within a time frame which may be stipulated by this Court.



For Petitioner : M/s.R.T.Joshua
For R-1 : Mr.M.Lingadurai,
Special Government Pleader.
For R-2 : Mr.V.Kannan

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is presently working as Livestock Inspector Grade-I at Government Veterinary Sub Centre, Ayyankottai, Vadipatti Taluk, Madurai District. He is a member of Tamil Nadu Livestock Inspectors' Association. He is also its office bearer. The election to elect the executive committee of the second respondent association is to be held on 17.12.2022. The petitioner alleges that the second respondent association as per the bye-laws must comprise only the Livestock Inspectors alone. However, the Livestock Supervisors are also figuring as members of the association. He wants this Court to direct the respondents to remove the Senior Veterinary Livestock Supervisors from the membership and only thereafter hold election.



3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He points out that the second respondent is a service association and recognized by the Government of Tamil Nadu vide G.O.Ms.No.1259 Public (Services) Department dated 23.04.1958. He draws my attention to Clause 8 which reads as follows:-

“ 8. Membership :-

(i) The Live Stock Assistants employed under the Government of Tamil Nadu are eligible to become the members of the Association.

(ii) The membership will automatically cease on retirement, resignation, dismissal, or removal from service subject to the condition that any member removed or dismissed for any action with regard to the affairs of the Association can be allowed to continue as a member till the case is finally disposed off.”



4. The learned counsel appearing for the second respondent on the other hand would claim that Clause 8 was amended as early as on 23.12.1989. As per the amended bye-laws, not only the Livestock Inspectors but even those who worked in the promotion post from the post of Livestock Inspectors are also eligible to be the members of the association. The petitioner's counsel even while contesting the said assertion made by the second respondent, points out that there is nothing on record to show that the amended bye-laws have been approved by the Government. In this regard, he draws my attention to G.O.Ms.No.229 Public (Services-I) Department dated 22.01.1974. He places reliance on Rule 5(c) which reads as follows:-

“ Any amendment of a substantial character in the rules of the service Association shall be made only with the previous approval of the Government and any other amendment of minor character shall be sent through the proper channel to the Government. ”



5. I am satisfied that the amendment is of substantial character. The learned counsel could not confirm if it was approved by the Government. I cannot fault the learned counsel appearing for the second respondent. The writ petition was listed only yesterday and the matter was taken up for final disposal today. The election is to be held day after tomorrow. The petitioner has been a member of the association for more than two decades. He cannot plead ignorance of the fact that the Senior Veterinary Livestock Supervisors are also members of the second respondent association.

6. Entertaining the writ petitions literally at the last minute would definitely jeopardise the process. I am therefore not inclined to grant relief as prayed for. However, I direct the first respondent to consider the petitioner's representation dated 17.09.2022. Since a dispute has arisen regarding the validity of the amendment, the first respondent will take a call in the matter. Based on his decision, the results of the proposed election will abide. The first respondent will hear the writ petitioner as well as the then General Secretary of the



second respondent association before passing final order.

Such an order will be passed by the first respondent within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

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G.R.SWAMINATHAN,J.

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