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A.No.2001 of 2023 in
C.S.No.741 of 2017

R.N.MANJULA,J.

The applicants in A.No.2001 of 2023 are the third parties who have filed this application for directing the Interim Administrator Hon'ble Mr.Justice D.Hari Parandaman (Rtd), No.2, 1st Main Road, Kamarajar Nagar, Thiruvanmiyur, Chennai – 41, to disperse the pending salary, EPF and other monetary benefits of the applicants from the date of their appointment upto their respective date of superannuation in accordance with their respective service registers maintained by the 1st respondent's organization by considering their petition dated 25.04.2022, within a time frame fixed by this Court.

2. The above suit has been filed by the plaintiff in the suit for a limited relief to declare the notification No.2/2017 issued by the second defendant dated 06.06.2017 as null and void; for permanent injunction restraining the defendants, their men, agents, servants or any body else claiming through or under them in any manner from interfering with the smooth functioning of the office of the plaintiff Church and also for



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permanent injunction restraining the second defendant, his men, agents, servants or any body else claiming through or under him in any manner from conducting the election to India Evangelical Lutheran Church to be held on 26.06.2017 or any other dates as per notification dated 06.06.2017.

3. The suit in C.S.No.373 of 2017 is a suit filed between two groups of an Association. The same has been struck off on 26.07.2018. Subsequently, Tr.C.S.No.741 of 2017 and A.No.1695 of 2018 have been filed. An order has been passed on 31.07.2018 by recalling the earlier order dated 26.07.2018. In the said order, Hon'ble Mr.Justice D.Hari Parandaman (Rtd) was appointed as Interim Administrator of the Church to administer the affairs of the Church till the disputes are resolved and elections are conducted to elect the office bearers as per the bye-laws of the Church. The Administrator assumed office on 07.09.2018 and performed the essential functions for bringing back the administration of India Evangelical Lutheran Church to right track. Now, this application has been filed by stating that the applicants' salary dues were not paid by the Administrator and hence a direction should be given to the



Administrator in this regard.

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4. The scope of the suit itself is for certain limited prayer with regard to certain election conducted to India Evangelical Lutheran Church. The Hon'ble Administrator had taken up the task of bringing back the administration of India Evangelical Lutheran Church in the right track and after completing the said task, the learned Administrator was discharged. To this effect, the order has also been passed by this Court on 31.10.2022.

5. Now, these applicants who are the third parties have filed this application seeking direction to the Administrator for dispersing the alleged salary and other monetary dues to them. Since the Interim Administrator had completed his job and he has already been discharged and the elections for the office bearers of India Evangelical Lutheran Church have also been conducted, no direction as sought by the applicants can be issued against the Administrator. The application itself



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is fundamentally not maintainable and the applicants cannot abuse the process of the Court for indirectly getting the benefits which they cannot get directly through this type of applications. Since the applicants are the third parties and the role of the Administrator has also come to an end, this application is not maintainable. Further, by way of filing this application, the applicants are attempting to get the relief which they are entitled to get only through the rightful forum contemplated under Payment of Wages Act.

6. Since the application itself is not maintainable for the aforesaid reasons, this application is dismissed.

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07.06.2023

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