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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15999/2024 & CM APPL. 67277/2024**

R T KATHIKEYAN & ORS.

.....Petitioners

Through: Mr. Shivam Shukla and Ms. Anjali
Upadhyay, Advocates.

versus

THE REGISTRAR OF SOCIETIES & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.11.2024

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1. The Petitioners, employees of Respondent No. 2 - Bharat Sanchar Nigam Limited¹, assert that they are members of Respondent no. 3 – the SC/ST Employees Welfare Association² within BSNL. They assert that since the formation of SEWA within BSNL, there has been no circle body in the Core Network Transmission, South Circle to address the grievances of the SC/ST employees with the management. Therefore, the Petitioners seek recognition of their Circle Body “*Sewa Bsnl Cntx-South Circle Body*” as per the provisions of the By-Laws and Amended By-Laws of SEWA BSNL. Further, the Petitioners assert that as per Rule 7(b) of By-Laws and Rule 18 of the Amended Bye-Laws, every Circle Body must be approved by the Central Headquarter³ of SEWA i.e., Respondent No. 3, to be formally

¹ “BSNL”

² “SEWA”

³ “CHQ”



recognized.

2. In this regard, the Petitioners submitted a complaint/ representation dated 7th November, 2024 to Respondent No. 1 – Registrar of Societies, which they allege has not been responded to. In light of the foregoing, the Petitioners have filed the instant writ petition seeking the following reliefs:

- “i. Issue an appropriate writ in the nature of mandamus directing Respondent No. 1 to decide the complaint/representation dated 07.11.2024 filed by the Petitioners within a stipulated period of time, as this Hon’ble Court may deem fit and proper.*
- ii. Issue an appropriate writ in the nature of mandamus directing Respondent No. 1 to instruct Respondent No. 3 to approve the Circle Body of the Petitioners as per the Bye-Laws of the SC/ST Employees Welfare Association.*
- iii. Issue an appropriate writ in the nature of mandamus directing Respondent No. 1 to instruct Respondent No. 3 to include the Circle Body “Sewa Bsnl Cntx-South Circle Body” in the 7th All India Conference/General Body Meeting to be held from 19.11.2024 to 21.11.2024.”*

3. All the aforementioned reliefs sought by the Petitioner, are sought from Respondent No. 1 in the nature of directing them to decide their complaint/ representation dated 7th November, 2024 and further for Respondent No. 1 to issue directions to Respondent No. 3 to accept the Circle Body of the Petitioners.

4. It is noted that the aforementioned complaint/representation dated 7th November, 2024, for which a mandamus is sought directing Respondent No. 1 to take an appropriate action, is in the nature of levying allegations against SEWA, BSNL that they are not adhering to their own By-Law, particularly in the context of not recognising a legitimate body like “Sewa Bsnl Cntx-South Circle Body”. In this regard, it is important to note that under the scheme of the Societies Registration Act, 1860, the Registrar of Societies is



not empowered to adjudicate any of the disputes which have been urged by the Petitioners.

5. In light of the above, the present writ petition is not maintainable and no mandamus can be issued to Respondent No. 1 to adjudicate any of the grievances of the Petitioners.

6. Therefore, without going into the merits of the case, the present writ petition is dismissed along with pending application, *in limine* on the ground of maintainability.

7. All rights and contentions of the parties are left open. The Petitioners are free to take recourse to other legal options as available under law

SANJEEV NARULA, J

NOVEMBER 19, 2024

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