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O.S.A.No.252 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

O.S.A.No.252 of 2025
and
C.M.P.No.18074 of 2025

1.Tamil Nadu Minkazhaga Thozhilalar Munnera Sangam,
Head office, No.144,
Anna Salai, Chennai – 600 002.

2.B.Manimaran

...Appellants

Vs.

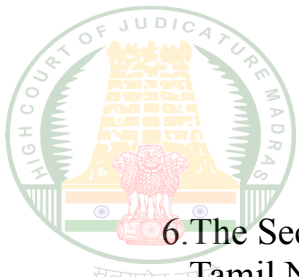
1.Balavenkatesh

2.K.Sasikumar

3.The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai – 600 006.

4.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
No.144, Anna Salai, Chennai – 600 002.

5.The Chief Engineer,
Personnel,
Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
No.144, Anna Salai, Chennai – 600 002.



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6.The Secretary,

Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
No.144, Anna Salai, Chennai – 600 002.

7.The Branch Manager,

Canara Bank,
787, Karim Mansion,
Mount Road, Chennai – 600 002.

8.The General Manager,

Tamil Nadu Power Finance and Infrastructure
Development Corporation Limited,
3-4, Anna Salai, Nandhanam,
Chennai – 600 035.

...Respondents

PRAYER: This Original Side Appeal filed under Order XXXVI Rule 1 of the Original Side Rules read with Clause 15 of the Letters Patent praying to set aside the order dated 23.06.2025 passed in A.No.663 of 2025 in C.S.No.21 of 2025.

For Appellants : Mr.Richard Wilson
For M/s.P.Wilson Associates

For Respondents : Mr.C.Umashankar for R1
R2 – Not ready in notice
Mrs.Aswini Devi.K, AGP(CS) for R3
R4 to R7 – No appearance
Mr.C.Gauthama Raj for R8



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J U D G M E N T

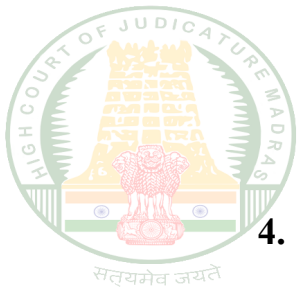
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(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The order dated 23.06.2025 in A.No.663 of 2025 in C.S.No.21 of 2025 is sought to be assailed in the present Original Side Appeal.

2. The Application in A.No.663 of 2025 has been instituted seeking to appoint an Administrator to take charge of the Tamil Nadu Minkazhaga Thozhilalar Munnetra Sangam/ 1st appellant herein and administer the same and to conduct State General Council election to the 1st appellant Sangam as per its bye-laws and as per the directions of the High Court.

3. The suit has been instituted by the 1st respondent Mr.Balavenkatesh seeking the relief for a declaration that the unilateral removal/ termination of the 1st respondent from the post of Circle Secretary, Thanjavur of the 1st appellant Sangam by the 2nd appellant as null and void and *non est* in law and not binding upon the plaintiff. The second relief is for a permanent injunction restraining the defendants 2 and 3 from functioning as the office bearers of the 1st appellant Sangam. The third relief is for a permanent injunction restraining the defendants 2 and 3 from in any manner interfering with the affairs, operations and running of the 1st appellant Sangam.



4. The cause arose for institution of the suit mainly on account of the letter dated 21.11.2024 issued by the 1st appellant Sangam addressed to the Superintending Engineer, Thanjavur Distribution Circle, TANGEDCO, in which the 1st appellant Sangam represented by the General Secretary has stated that the 1st respondent/ plaintiff was transferred from Thanjavur to Karur and for more than 6 months he was not serving at Thanjavur. Therefore, he is not eligible to hold the post of Circle Secretary at Thanjavur as per the bye-laws of the 1st appellant Sangam. Consequently, the 1st respondent herein was relieved from the post of Circle Secretary, which triggered institution of the suit by him.

5. As far as the application in A.No.663 of 2025 is concerned, the relief sought for is to grant an ad interim injunction restraining the appellants 1 and 2 to function as the office bearers and to interfere with the affairs, operations and running of the Sangam. That apart, an appointment of Administrator is also sought for to take charge of the 1st appellant Sangam.

6. The learned Single Judge adjudicated the issues and appointed an Administrator to take charge of the 1st appellant Tamil Nadu Minkazhaga Thozhilalar Munnetra Sangam and further allowed the Administrator to conduct State Wide Election for all the 59 Circles across the State of Tamil Nadu and for the State General Council. Along with the appointment of an Administrator,



further directions are issued in paragraph No.21 of the order impugned which reads as under:-

21. It would be open to the learned Administrator, to appoint any person in the rank of Retired District Judge as a Co-Administrator who would be entitled to a remuneration of Rs.1,00,000/- per month. The learned Administrator is also empowered to decide the inerse disputes between the respective parties in finalising the electoral college of the respective Levels and any other dispute with regard to the conduct of election in the respective levels.

7. The learned counsel appearing on behalf of the appellants would mainly contend that the suit has been instituted by the 1st respondent challenging his removal from the post of Circle Secretary at Thanjavur. He was removed on account of the fact that he was transferred from Thanjavur to Karur and ceased to work at Thanjavur. Consequently, he cannot continue as Circle Secretary at Thanjavur. Therefore, the very institution of the suit is without any basis and that apart the learned Single Judge has appointed an Administrator to take over the entire administration of the Sangam at State level and to conduct elections to all the 59 Circles where there is no dispute exist. In respect of 59 Circles across the State, elections were already completed for 57 Circles between the years 2022 and 2023 and elections are yet to be conducted only for Villupuram and Chennai North. While so, there is no reason to appoint an

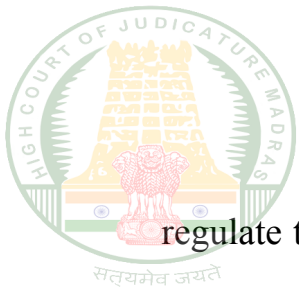


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Administrator to conduct elections for all the 59 Circles and also the State Council.

8. The learned counsel for the 1st respondent would submit that the plaint averments would indicate that certain irregularities and illegalities are being committed by the State Office bearers in collusion with some of the Circle level office bearers. That apart, the term of 3 years expired for the State Office bearers. Therefore, the election is to be conducted for State General Council as well as to all the Circle level office bearers. The 3rd defendant in the suit was elected by way of co-option and not undergone regular election. Therefore, he cannot continue as State General Secretary of the Sangam. However, the cause title in the present Original Side Appeal indicates that the said Manimaran has been appointed as an interim State General Secretary.

9. The learned counsel for the 1st respondent would further contend that Circle level office bearers constitute electoral body as per the bye-laws to elect the State level office bearers. Some office bearers are already retired from service or died or otherwise. Therefore, the elections are due to be conducted in all the 59 Circles and after conducting Circle level elections, the State level election is to be conducted. Thus, there is no infirmity in respect of the order passed by the learned Single Judge appointing an Administrator in order to



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regulate the affairs of Sangam in entirety and therefore, the present appeal is to be rejected.

10. This Court has considered the arguments as advanced between the parties to the lis on hand.

11. The suit has been instituted challenging the removal of the 1st respondent from the post of Circle Secretary, Thanjavur, since he was transferred from Thanjavur to Karur and ceased to work for more than 6 months at Thanjavur. The consequential relief of permanent injunction has been sought for to restrain the defendants 2 and 3 from functioning as State office bearers. The 2nd defendant is State President and 3rd defendant is the interim State General Secretary.

12. The entire elections conducted earlier is not under challenge. The election of State Council consists of State President, Vice President, State General Secretary and other office bearers. The election of these office bearers had not been challenged in the suit. Contrarily a permanent injunction has been sought for to restrain the defendants 2 and 3 from functioning as the office



bearers. The third relief in the plaint also is for an injunction sought for restraining the defendants 2 and 3 from in any manner interfering with the affairs, operation and running of the Sangam, which is a consequential relief.

13. Admittedly, the suit is not about election dispute. However, the term of the office bearers expired. If so, an election is to be conducted by the Sangam in accordance with the bye-laws. Contrarily it is unnecessary for the Courts to travel beyond the scope of the plaint and the relief sought for in the suit. When the election of the State level office bearers and the election of Circle level office bearers have not been questioned and term of these officer bearers had already been expired, it is for the Sangam to conduct an election by scrupulously following the bye-laws and regulations in force for conduct of elections in Circle level and State level.

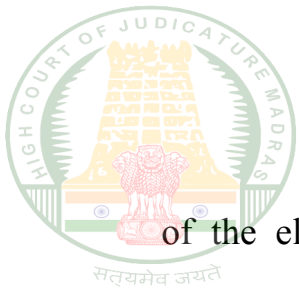
14. Travelling beyond the scope of the suit may cause prejudice to other office bearers, who are untainted even as per the parties to the plaint. The activities of the State President and interim State General Secretary alone is questioned by the plaintiff in the suit. None of the other office bearers have been impleaded as party in the original suit. None of the Circle level office bearers are parties to the suit nor their elections at Circle level are under



challenge in the suit. Thus, the suit is to be confined only to the extent of relief sought for. The relief sought for is to declare the removal of the plaintiff from the post of Circle Secretary, Thanjavur as null and void and for an injunction.

15. A perusal of the plaint reveals that the plaintiff has raised certain allegations against the defendants 2 and 3 and the manner of their functioning. Those allegations are to be decided based on the evidences. If at all any dispute relating to the financial irregularities or other irregularities in administering the Sangam is raised, it is to be resolved by approaching competent forum and in the present case the suit itself is to declare the removal of the plaintiff from the post of Circle Secretary, Thanjavur as null and void.

16. This Court is of the considered view that any interlocutory application cannot travel beyond the scope of the main relief sought for in the suit. In the present case, the relief sought for in the plaint is un-connected with the relief granted by the learned Single Judge in the application. Appointment of an Administrator to take over the entire administration of the Sangam at State level, in the opinion of this Court, is unnecessary and unwarranted, since none



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of the election of the office bearers are under challenged in the civil suit.

Conduct of regular election is an internal affair of the Sangam.

17. It is made clear that it is for the State level Council to conduct election to the Circle level by scrupulously following the bye-laws and the Regulations applicable for conduct of election to the Sangam. It is needless to state that the office bearers on expiry of term is expected to conduct election in a democratic manner and protect the rights of the employees of the Sangam.

18. In view of the facts and circumstances and the reasons stated in the aforementioned paragraphs the order impugned is running beyond the scope of the main relief sought for in the plaint and consequently, the order dated 23.06.2025 made in A.No.663 of 2025 in C.S.No.21 of 2025 is set aside and the Original Side Appeal is **allowed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.S.N., J.)
09.09.2025

dsa

Internet :Yes/No
Index :Yes/No
Neutral Citation :Yes/No
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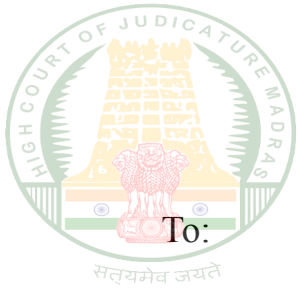


Speaking/Non-speaking order

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To:

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Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
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C.SARAVANAN, J.

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