



W.A.(MD)No.78 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

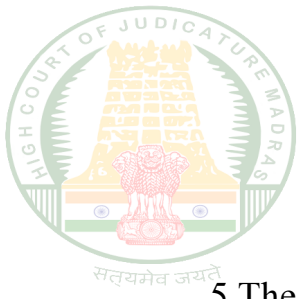
**W.A.(MD)No.78 of 2022
and
C.M.P.(MD)No.898 of 2022**

G.John Kennedy

... Appellant

Vs.

1. The Moderator / Bishop Incharge,
CSI Tirunelveli Diocese,
No.5, Punithavathiar Street,
Palayamkottai, Tirunelveli,
Tirunelveli District.
- 2.The Moderators Commissary,
CSI Tirunelveli Diocese,
16, North High Ground Road,
Bishop Stowe, Palayamkottai,
Tirunelveli District.
- 3.The Honourable Administrators,
CSI Tirunelveli Diocese,
Tirunelveli.
- 4.The Election Officers,
CSI Tirunelveli Diocese,
Tirunelveli.



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5.The CSI Tirunelveli Diocese,
Rep. by its Bishop,
CSI Tirunelveli Diocese,
No.5, Punithavathiar Street,
Palayamkottai, Tirunelveli,
Tirunelveli District.

6.The Pastorate Chairman,
Subbulapuram Pastorate,
CSI Tirunelveli Diocese,
Subbulapuram.

7.Sundar Muthusamy

8.Rajapalayam Consumer Co-Operative
Wholesales Stores Limited,
(Through its Management),
1066, Rajapalayam,
Virudhunagar District.

... Respondents

*(R8 is suo motu impleaded vide order dated
09.02.2022 in W.A.(MD)No.78 of 2022 by PUJ
& KRJ)*

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 04.08.2021 passed in W.P.(MD)No.7294 of 2021 on the file of this Court.

For Appellant : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.G.Prabhu Rajadurai for R5.
Mr.R.J.Karthick for R7.
Mr.S.Balamurugan for R8.
No appearance for R6.



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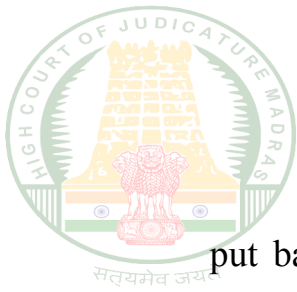
JUDGMENT

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The appellant herein filed W.P.(MD)No.7294 of 2021 challenging the order passed by the Election Officer of CSI Tirunelveli Diocese, debarring him from participating in the election for the post of Member of Diocesan Council. The writ petition was dismissed by the learned Single Judge vide order dated 04.08.2021 on the ground that the writ petitioner being a government servant cannot participate in the elections. Rule 14A of the Tamil Nadu Government Servant Conduct Rules was cited against the appellant. Questioning the dismissal order, this writ appeal has been filed.

2.When the matter was taken up for hearing, the learned counsel for the seventh respondent submitted that the appellant herein had retired from service and that there is no bar for him from participating in the election hereafter. The learned counsel for the appellant is not having instructions on this.

3.In any event, the subject election process has already been worked itself out. Even if we allow the writ appeal, the clock cannot be



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put back. The matter has virtually become infructuous. However, the academic issue is left open.

4.A member of a cooperative society is not a government servant. But whether Rule 14A of the Tamil Nadu Government Servant Conduct Rules applicable to government servant will apply to a cooperative society employee will depend upon the terms of the special bye-laws of the concerned cooperative society. Since those provisions have not been placed before us, we leave the said issue open.

5.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
15.04.2025

NCC : Yes/No
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