

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.34661 of 2018
and
W.M.P. No.40196 of 2018

S.Venkatesalu

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Personnel and Administrative Reforms Dept.,
Fort St. George,
Chennai 600 009.
2. The District Registrar (Societies),
office of the District Registrar
Pycrofts Road, Chennai 600 014.
3. S.Madhuram,
State President,
Tamil Nadu Government
Office Assistants and Basic Servants,
State Central Association, (Regn.No.265/2007),
having office at 30/182, Bells Road,
Chepauk, Chennai - 5.
4. S.Natarajan,
State General Secretary,
Tamil Nadu Government
Office Assistants and Basic Servants,
State Central Association, (Regn No.265/2007),
having office at 30/182, Bells Road,
Chepauk, Chennai - 5.
5. M.Govindaraj,
State Treasurer,
Tamil Nadu Government
Office Assistants and Basic Servants,
State Central Association
(Regn No.265/2007),
having office at 30/182, Bells Road,
Chepauk, Chennai - 5.

6. G.Rajendran,
State Deputy General Secretary,
Tamil Nadu Government,
Office Assistants and Basic Servants,
State Central Association
(Regn No.265/2007),
having office at
30/182, Bells Road,
Chepauk, Chennai - 5.

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to forthwith take action on the complaint/representation dated 18.12.2018 given by the petitioner as against the 3rd to 6th respondents before they could sell away the properties of the association and expel the state executive committee members.

For Petitioner : Mr.K.Raja

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

This Writ Petition is filed seeking to direct the 2nd respondent to forthwith take action on the complaint/representation dated 18.12.2018 given by the petitioner as against the 3rd to 6th respondents before they could sell away the properties of the association and expel the state executive committee members.

2. With the consent of learned counsel for the petitioner and the learned Special Government Pleader, the writ petition is disposed of, at the stage of admission itself.

3. The learned counsel for the petitioner would submit that the petitioner is an effective member in the respondent Association since 1993. The petitioner nominated for the post of State President in the election scheduled to be conducted on 07.07.2018. The nomination of the petitioner was rejected and the respondents 3 to 6 were elected. According to the petitioner, the respondents 3 to 6 are not eligible to take part in the election and hence their selection is illegal. The tenure of the office bearers is 2018-2019 and 2019-2020. The newly elected office bearers passed Resolution on 10.11.2018 stating that all the properties in various districts of Tamil Nadu, hereafter should be handled only by them. According to the petitioner, while the selection of the office bearers is disputed, any resolutions passed by them are not valid,

especially removing the executive committee members and dealing with financial matters including the selling away the properties of the Association. Aggrieved by the same, the petitioner submitted a complaint on 18.12.2018 to the 2nd respondent. Since no order has been passed on the representation, the present writ petition is filed seeking the aforesaid prayer. The petitioner has also submitted a subsequent representation dated 24.12.2018.

4. Considering the limited scope of prayer and since no adverse remarks are passed, notice to the private respondents are dispensed with. The learned counsel for the respondents 1 and 2 are not aware of the representation dated 24.12.2018 stated to have been sent by the petitioner.

5. In view of the above submissions, this Court directs the 2nd respondent to conduct an enquiry on the representation dated 18.12.2018 submitted by the petitioner, after giving due opportunity of hearing to the respondents 3 to 6 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

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To

Sub Assistant Registrar

1. The Government of Tamil Nadu,
Represented by its Secretary,
Personnel and Administrative Reforms Dept.,
Fort St. George,
Chennai 600 009.
2. The District Registrar (Societies),
office of the District Registrar
Pycrofts Road, Chennai 600 014.

+1 cc to Mr.K.Raja, Advocate, S.R.No.90086
+1 cc to the Government Pleader, S.R.No.169

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SSM(11/01/2019)