

W.P.No.21139 of 2021

C.SARAVANAN,J.

At the instance of the learned counsel for the petitioner, this writ petition is listed under the caption “for being mentioned”.

2. Earlier, an order came to be passed on 30.09.2021, wherein, the following orders were passed:-

“ There shall an interim stay of the Office Memorandum dated 15.09.2021 bearing Reference F.No.18-01/2017 SR (Foreign Service). The impugned office memorandum is based on another office memorandum dated 27.02.2020 issued by the Ministry of Personnel, Public Grievances & Pensions signed by the Deputy Secretary to the Government of India.

2. Prima facie, it appears that the impugned office memorandum dated 15.09.2021 laying down the new guidelines of foreign service members of recognized service Associations/Federations in Department appears to be contrary to Office Memorandum dated 27.02.2020 bearing Reference F.No.11013/1/2016-Esst.A.III. The relevant portion of the said Office Memorandum reads as under:

"4. It is, therefore, necessary for the Competent Authority to keep in mind all the relevant factors while granting permission under

Rule 15(1)(c) of CCS (Conduct) rules, 1964. In cases where the Government servants have assumed charge of elected posts prior to the issuing of O.M. Dated 05.08.2019, they may be allowed to complete the full period of their current tenure, except in cases where there are charges of corruption and adverse audit paras etc.,"

3. Notice to the Respondents returnable in eight weeks. Private notice is also permitted. Post the matter after eight weeks for filing counter and final disposal.".

3. The learned counsel for the petitioner submits that the impugned Office Memorandum dated 15.09.2021 in F.No.18-01/2017-SR issued by the second respondent forwarding Office Memorandum dated 27.02.2020 in F.No.11013/1/2016-Estt.A-III of the third respondent for strict and immediate compliance comes in the legitimate way of the members of the petitioner's Association/ Union from participating in the election inasmuch as elections are being held regularly in the Divisions.

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4. The learned counsel for the petitioner further submits that the requirements to apply for prior permission with the Controlling Authority atleast 30 days before the election cannot be complied by the members of

the petitioner's Association/ Union as the election process have already commenced in the divisions.

5. Considering the above, there shall be an interim stay of Office Memorandum dated 27.02.2020 in F.No.11013/1/2016-Estt.A-III of the third respondent as circulated by the second respondent vide impugned Office Memorandum dated 15.09.2021 in F.No.18-01/2017-SR for a period of 30 days from today.

6. List this case for final hearing during 1st week of November, 2021. Meanwhile, the respondents are directed to file their counter by then, if any.

05.10.2021

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