

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2018] SGHC 247

Originating Summons No 915 of 2018

Between

A Selvadurai Hallman

... Plaintiff

And

Singapore Amalgamated Services Co-operative
Organisation Limited

... Defendant

GROUND OF DECISION

[Charities] – [Trustees] – [Removal]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

A Selvadurai Hallman
v
Singapore Amalgamated Services
Co-operative Organisation Ltd

[2018] SGHC 247

High Court — Originating Summons No 915 of 2018
Choo Han Teck J
25 October 2018

15 November 2018

Choo Han Teck J:

1 The plaintiff, A Selvadurai Hallman, was Vice-Chairman of the Committee of Management (“the Committee”) of a registered charity named SASCO Senior Citizens’ Home (“SASCO Home”). SASCO Home’s charitable object is to provide board, lodging and care for senior citizens, and to provide day care services for the elderly.

2 The plaintiff’s application is supported by the affidavit of Mr Then Jing Yu (“Mr Then”), who was the Chief Executive officer of SASCO Home. The plaintiff and Mr Then claim to remain in their positions as members of the Committee, which is the matter in dispute in this application.

3 The defendant, Singapore Amalgamated Services Co-operative Organisation Limited (“SASCO Ltd”), is a cooperative society registered in

1933. Mr Theyvendran s/o Ramanathan (Mr Theyvendran) filed an affidavit on behalf of the defendant. Mr Theyvendran is the Chairman of the Executive Council of SASCO Ltd. He is also a member and Chairman of the Committee of SASCO Home, though this is disputed by the plaintiff.

4 The plaintiff applied for five substantive prayers by way of Originating Summons No 915 of 2018. In the course of hearing, counsel for the defendant, Mr Lukshumayeh, brought to my attention that the Commissioner of Charities had in fact only authorised the plaintiff to proceed on two of the five substantive prayers, namely prayers 2 and 3. Counsel for the plaintiff, Mr Lee, did not dispute this. I therefore only considered the plaintiff's application in respect of prayers 2 and 3. In brief, the plaintiff sought a declaration that the nomination of several members of the Committee, by the defendant at its general meeting held on 5 July 2018, was void and of no effect, and an order confirming the plaintiff and some other persons as the rightful members of the Committee.

5 The by-laws of SASCO provides as follows:

5. COMMITTEE OF MANAGEMENT

5.1(a) The Home shall be governed and its affairs administered by a committee of Management (in this Constitution to as "the Committee") comprising not less than 6 and not more than 15 members ...

(b) Members of the Committee shall be appointed by the Executive Council of SASCO, provided that more than half of the Committee members must be independent of SASCO.

6 On 28 June 2018, SASCO Ltd held a Special General Assembly, with the sole item on the agenda being the election of the Executive Council of SASCO Ltd. Six individuals, including Mr Theyvendran, were elected. There

were no objections at that time to the results of the vote, and the plaintiff did not challenge the validity of the appointments.

7 On 5 July 2018, the Executive Council held a meeting and, pursuant to cl 5.1(b) of the SASCO Home by-laws, nominated 11 individuals to the Committee. Of these 11 individuals, four are also part of the Executive Council, including Mr Theyvendran. These 11 individuals effectively replaced the entire incumbent Committee. It is this nomination that the plaintiff seeks to impugn.

8 The plaintiff claims that there have been multiple instances of wrongdoings and improper actions on the part of SASCO Ltd and/or individuals associated with SASCO Ltd. He therefore argues that there is a need for the plaintiff and his team to be appointed to the Committee so that they can amend the by-laws of SASCO Home, and sever any connection between SASCO Home and SASCO Ltd. This, it is said, will ensure that SASCO Home, as a charity, remains clear of any impropriety.

9 The allegations made by the plaintiff included lapses in fund-raising practices on the part of SASCO Ltd, related party transactions on the part of SASCO Home, and improper payments by SASCO Home to various individuals, and that those payments were facilitated by members of the Committee.

10 In response, the defendant pointed out that the alleged wrongdoings took place well before 5 July 2018, when Mr Theyvendran and his team were appointed to the Committee. In fact, the persons in control of SASCO Ltd and SASCO Home at the time were two individuals, namely Mr C V Nathan and Mr Victor Pang. Mr C V Nathan was the Chairman of SASCO Ltd at the material

time, and Mr Victor Pang was the Vice-Chairman. Mr C V Nathan and his team forming the Executive Council then were eventually ousted and replaced by Mr Theyvendran and his team. Despite this, the plaintiff maintains that Mr Victor Pang should be Chairman of the Committee, as sought for under prayer 3 of his application.

11 I am of the view that there is no basis for me to grant the orders sought by the plaintiff. There can be no dispute that the current Committee was validly appointed in accordance with the by-laws of SASCO Home. If the concern is that there needs to be investigation into improprieties on the part of SASCO Ltd or SASCO Home, the plaintiff is no doubt at liberty to approach the relevant authorities to assist in such investigations.

12 I therefore dismissed the application, with costs to the defendant fixed at \$10,000 plus disbursements.

- Sgd -
Choo Han Teck
Judge

Gabriel Lee (Selvam LLC) for the plaintiff;
Mahadevan Lukshumayeh (Lukshumayeh Law Corporation) for the
defendant.