

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.6.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10035 of 2018

The State Transport and Transport Corpsns.
Retired Employees Welfare Association,
(Reb.NO.127/2001.Chennai)
Rep by its Secretary,
No. 39E-1 V.P.C. Ninaivagam,
Cinema Nagar, Salem 636 009.

PETITIONER

Vs.

The Inspector of Police
Hasthampatti Police Station,
Salem City Police,
Hasthampatti, Salem 636 007.

RESPONDENT

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for records from the respondent relating to his order Na. Ka. No. / Kaa. Aaa/ C2PS / Sa. Maa / 2018 dt 6.4.2018 and quash the same and direct the respondent to grant permission to the petitioner Association to hold Call Attention Demonstration in front of the Head Office of the Tamil Nadu State Transport Corporation Salem.

For Petitioner : Mr.S.Ayyathurai
For Respondent : Mr.D.Suryanarayanan

O R D E R

The State Transport and Transport Corpsns. Retired Employees Welfare Association, Salem Region which was formed in the year 2003 to espouse the cause of the retired employees of State owned Tamil Nadu State Transport Corporations, have come to this Court questioning the impugned order passed by the respondent in Na.Ka.No.Ka/C2PS/Sa.Maa/2018, dated 6.4.2018 refusing permission to hold "call attention demonstration" on 20.1.2018 in front of the Head office of the Tamil Nadu State Transport Corporation (Salem Division), Salem.

2 The learned counsel for the petitioner submits that

similar request was made by one D.Damodharan and the same was also refused. As against the said order, writ petition in W.P.No.3057 of 2018 has been filed and this Court by order, dated 19.2.2018 set aside the said order and granted permission to hold meeting in front of the Tamilnadu State Transport Corporation, Salem to hold meeting on 9.2.2018. Now, the petitioner is also seeking permission to hold meeting in front of the Tamilnadu State Transport Corporation, Salem. Denial of permission to the petitioner association would amount to denial of their fundamental right. Hence, the counsel for the petitioner submitted that the petitioner association is a group of retired employees of State owned State Transport Corporation espousing the cause of the retired employees of the Transport Corporation relating to the non payment of retirement benefit, delayed payment of pension, etc. After the implementation of VII Pay Commission in the State, the Government has announced increase in the pension of retired Government servants by merging 125% of the D.A. with basic pay using 2.57% as relevant factor. Whereas Management of Pension fund and the Tamil Nadu State owned Transport Corporation have not increased the pension of the retired employees as done in the case of Government servants. Therefore, petitioner's association has decided to conduct "Call attention demonstration" in front of the Head Office of the State owned Transport Corporations. The regional branches of the petitioner association gave petitions to the respective Inspector of Police for permission to conduct demonstration in front of the Head office of the State owned Transport Corporations. In other places, police granted permission, however, the respondent denied permission by the impugned order cited supra and the same is liable to be quashed.

2. Although this Court on an earlier occasion finds opposition from the other side, passed an order, dated 19.2.2018 in W.P.No.3057 of 2018 quashing the similar order refusing permission by the Inspector of Police, Salem. Counsel for the petitioner also gave an undertaking that the members of the petitioner association would hold demonstration peacefully for a reasonable cause.

3 Recording the undertaking given by the learned counsel for the petitioner association to hold demonstration peacefully for their demands, this Court directs the petitioner association to approach the respondent who shall consider their representation and grant permission imposing reasonable conditions with regard to date and timing. Accordingly, the impugned order is quashed.

4 The writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

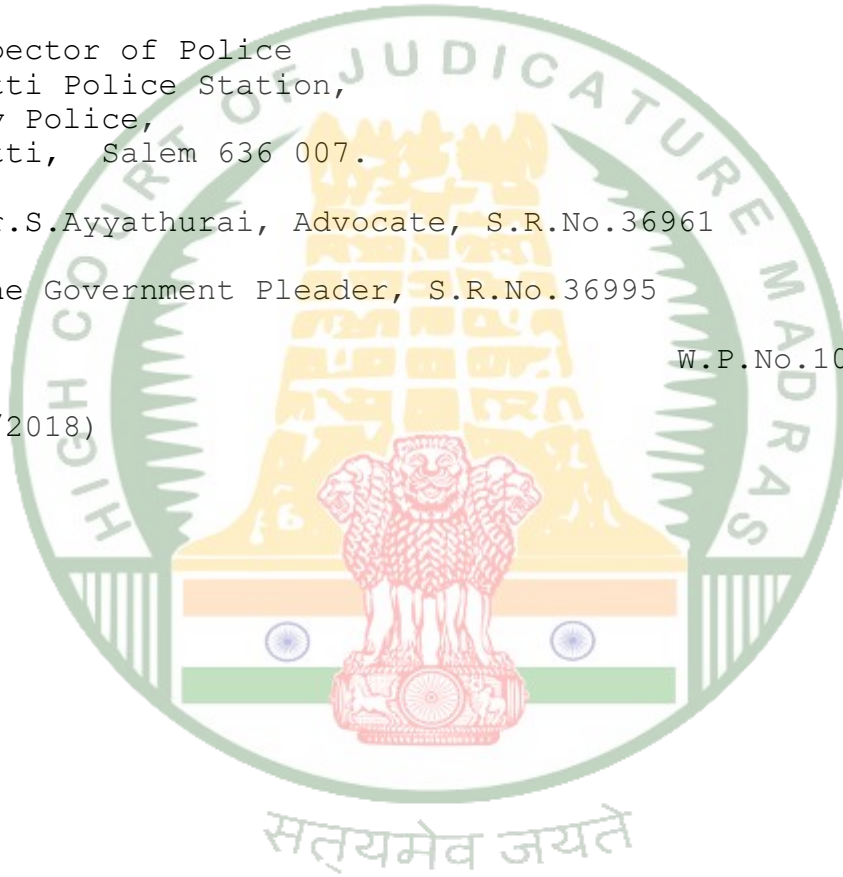
1.The Inspector of Police
Hasthampatti Police Station,
Salem City Police,
Hasthampatti, Salem 636 007.

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.36961

+1cc to the Government Pleader, S.R.No.36995

W.P.No.10035 of 2018

GSP(13/06/2018)



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