



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.02.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition(MD)No.2033 of 2020

and

W.M.P(MD)Nos.1695 & 1696 of 2020

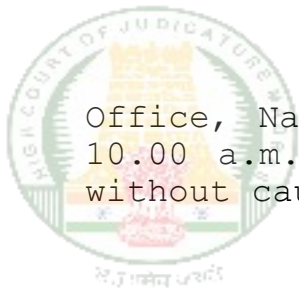
Tamil Nadu Town Panchayat Employees Association
rep. by its District President,
Mr.S.Chandrasekaran,
S/o N.Srikrishna Perumal,
Door No.30, Bhagavathi Lodge,
Meenakshipuram,
Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.
 - 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nagarcoil, Kanyakumari District.
 - 3.The Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar, Nagercoil,
Kanyakumari District.
 - 4.The Sub-Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar, Nagercoil,
Kanyakumari District.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent vide his proceedings in Na.ka.No.N3PS/Forecast/04/2020, dated 19-01-2020 and quash the same as illegal and consequently directing the Respondent No.1 to grant permission and to provide adequate police protection to conduct 60 hours continuous waiting protest conducted by the petitioner's association namely, Tamil Nadu Town Panchayat Employees Association in front of District Collector



Office, Nagercoil, Kanyakumari District on 29-01-2020 from morning 10.00 a.m. to 31-01-2020 till 10.00 p.m. order or any other date without causing any disturbance to public and for other reliefs.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mrs.S.Bharathi
Govt. Advocate (crl.side)

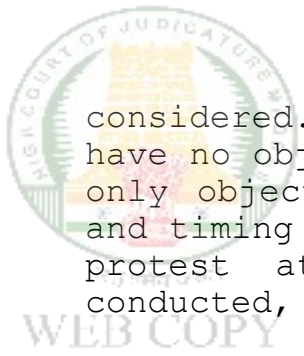
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O R D E R

This writ petition has been filed challenging the impugned order passed by the 4th respondent vide his proceedings in Na.ka.No.N3PS/Forecast/04/2020, dated 19-01-2020 and seeking a direction to the first respondent to grant permission and to provide adequate police protection to conduct 60 hours continuous waiting protest conducted by the petitioner's association namely, Tamil Nadu Town Panchayat Employees Association in front of District Collector Office, Nagercoil, Kanyakumari District on 29-01-2020 from morning 10.00 a.m. to 31-01-2020 till 10.00 p.m.

2.The learned counsel for the petitioner would submit that the petitioner Association are expressing their peaceful protest against the G.O(Ms)No.338, dated 26.08.2010 passed by the Finance (Pay Cell) Department, regarding revised scale of pay 2009 - Revision of Scale of pay and re-designation of Technical Categories (Trade Posts) - Implementation of the recommendation of the One Man Commission. The petitioner's Association are making a genuine protest against the recovery proceedings adopted by the Government in employees basic pay of Rs.1900/- and the remaining benefits without issuing any Government Order citing the audit of employees the Government has reduced the Basic Pay of employees of Rs.1300/- and trying to recover the outstanding amount based on the basic pay from each and every employees working in various departments of Town Panchayat. He would further submit that the petitioner Association have almost completed all preparation for the 60 hours continuous waiting protest arrangement in front of District Collector Office, Nagercoil, Kanyakumari District on 29.01.2020 from morning 10.00 a.m to 31.01.2020 till 10.00 p.m. In this regard, the petitioner approached the third respondent seeking permission. But the third respondent rejected the same through the impugned order dated 27.06.2019.

3.The learned Government Advocate(Crl.side) would submit that the Deputy General of Police, Tamilnadu had issued the circular/memorandum in R.C.007301/Genl I(1)/2019, dated 09.04.2019, which contains conditions for procession and also other events and would submit that if the petitioner approaches the respondent Police with a fresh application and undertaking to abide by the conditions enumerated in the memorandum, dated 09.04.2019, it will be suitably



considered. She would further submit that the respondent police have no objection to conduct the waiting protest, however, they have only objection regarding the place where permission is sought for and timing and if the petitioner is agreeable to conduct the waiting protest at an alternative venue, where usually meetings are conducted, restricting time, they have no objection.

4.At this juncture, the learned counsel for the petitioner would submit that the petitioner is agreeing to conduct the waiting protest at a ground situated near Collectorate Junction, Opposite to Pothy's. He would further submit that the petitioner Association have restricted the time limit to 48 hours.

5.The learned Government Advocate (criminal side), on instructions from the respondent police, would submit that the respondent police have no objection if the petitioner is ready to conduct the waiting protest at a ground situated at the Collectorate Junction, opposite to Pothy's subject to conditions.

6.In view of the above situation, this Court is inclined to direct the respondent police to grant permission to the petitioner to conduct the waiting protest. Accordingly, the respondent police is directed to grant permission to the petitioner to conduct the waiting protest on 22.02.2020 from morning 10.00 a.m to 24.02.2020 till 10.00 a.m at the ground situated at Collectorate Junction, opposite to the Pothy's. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is left open to the respondent police to impose any reasonable conditions, for the purpose of giving such permission to the petitioner Association and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his Association violate any of the conditions imposed by the respondent police, it is left open to him to take action in accordance with law.

7.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nagarcoil, Kanyakumari District.
- 3.The Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar, Nagercoil,
Kanyakumari District.
- 4.The Sub-Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar, Nagercoil,
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

order made in
Writ Petition(MD)No.2033 of 2020
and
W.M.P(MD)Nos.1695 & 1696 of 2020
12.02.2020

KK/SAR/18.02.2020/4P-6C/