

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1042/2021

Rashtriya Mazdoor Sena

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

Shri A.R. Ingole, Advocate for the Petitioner

Mrs. K.S. Joshi, Incharge GP for the Respondent Nos. 1 to 3 - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 22 FEBRUARY 2021

P.C.:

Not on Board. Take on Production Board.

2. The Petitioner-Union is aggrieved by the order dated 18 February 2021 passed by the Respondent No. 3 rejecting the permission to the Petitioner-Union to hold a protest on 23 February 2021 at 12.00 noon at Samvidhan Square, Nagpur.

3. The learned Counsel for the Petitioner-Union states that the Petitioner-Union which represents the contract employees working with the I.S.G.E.C. Heavy Engineering Company Ltd., Koradi, Nagpur is organizing a protest in respect of termination of 45 employees on 03 February 2021. The learned Counsel for the Petitioner-Union states that

such right is a fundamental right of freedom of expression. The learned Counsel further submits that the Petitioner-Union is ready to abide by norms in respect of social distancing in view of the Covid-19 Pandemic.

4. The learned Incharge G.P. points out that there are no particulars either in an Application nor in the Petition as to how many number of people/employees would gather, which is crucial for the purpose of preventing further outbreak of the Covid-19 Pandemic.

5. In the Application submitted by the Petitioner-Union, there are no particulars whatsoever and the Petitioner-Union has not stated exactly how many members/employees would gather; whether any system of issuing passes is going to be followed by the Petitioner; in what manner social distancing norms would be observed. Unless, the aforesaid information are placed in the Application, it will not be possible for the Respondent No. 3 to take a decision, as to whether to permit such a protest or otherwise.

6. The learned Counsel for the Petitioner states that the Petitioner-Union will accordingly defer the date of protest and make an Application giving details to the Respondent No. 3.

7. In view of this stand of the Petitioner, Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]