

(2005) 03 DEL CK 0162
In the Delhi High Court
Case No : FAO (OS) 154 of 2004

Press Trust of India Employees	Vs	APPELLANT
Press Trust of India		RESPONDENT

Date of Decision : 04-03-2005

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 4
Criminal Procedure Code, 1973 (CrPC) — Section 144

Citation : (2005) 119 DLT 266 : (2005) 3 LLJ 22

Hon'ble Judges : B.A. Khan, J; Anil Kumar, J

Bench : Division Bench

Advocate : Rajiv Talwar, for the Appellant; Raj Birbal and Sanjay Kumar, for the Respondent

Final Decision : Dismissed

Judgement

B.A. Khan, J.

CM.10780/2004

1. Appellants have filed this application for condensation of delay in filing this appeal. We find that the appeal is directed against two orders dated 23.6.2003 and 26.7.2004. Appeal has been filed sometime in August, 2004. However, considering that order dated 23.6.2003 which had merged with the order dated 26.7.2004, we do not propose to examine whether this appeal was time barred against the first order. The delay in filing the appeal is accordingly condoned.

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2. Appellants are defendants in Suit No. 241/2002 filed by respondent for restraining them from holding any demonstration, blockade or effecting the ingress and egress of plaintiff's, their executives, journalists, other employees, visitors, guests etc in any manner whatsoever. Along with this suit, respondent (plaintiff) also filed is No. 1092/2002 and obtained an ex-parte ad-interim injunction restraining appellants (defendants), their members, friends, agents

from holding any demonstration, blockade etc inside the building premises at PTI Building, 4, Parliament Street, New Delhi or outside the said building within a radius of 500 meters from the main gate.

3. This order was contested by appellants on which learned Trial Judge passed order dated 29.4.2003 restraining them from holding dharnas and demonstration, etc. within the premises of the plaintiff and at a distance of 50 meters from the main gate towards the Northern, Eastern and Western directions and also between the main gate and the point where water fall is shown in the site plan. This order also provided that any demonstration or dharna held by them shall be without any act of intimidation, threat or violence.

4. It appears that appellants" holding out demonstration beyond 50 meters created some other problems which prompted Delhi Police to file is No. 6339/2003 in the suit for seeking modification of order dated 29.4.2003. The order dated 29.4.2003 was accordingly modified and was made subject to any notification to be promulgated by the police authorities u/s 144 Cr.PC. This order was also modified to the extent that no dharna would be held by appellants on the pavement abutting Parliament Street between 12.30 PM to 2 PM. No appeal was taken against this order by appellants. However, they filed an application under Order 39 Rule 4 CPC seeking modification and vacation/clarification of order dated 23.6.2003 whereby their holding of any demonstration or dharna was made subject to any notification to be issued by the police authorities u/s 144 Cr.PC. This application was dismissed by the learned Trial Judge by order dated 26.7.2004 giving rise to this appeal.

5. In the present appeal, appellants challenge both orders dated 23.6.2003 and 26.7.2004 passed in is Nos. 6339/2003 and 2857/2004 on the ground that the learned Trial Judge has failed to exercise its jurisdiction and that the conditions spelt out by impugned orders were unreasonable, wrong and illegal and that the learned Judge fell in error by holding that they could not hold demonstration within the compound of the building.

6. It is submitted by appellants" counsel that appellants had a right to demonstrate and to give vent to their feelings and that there was no statutory provision restraining them from holding demonstration inside the premises. He has placed reliance on a Supreme Court judgment in Kameshwar Prasad and Others Vs. The State of Bihar and Another, .

7. We have examined various orders passed by the learned Trial Judge from time to time with a view to evolve an interim arrangement pending disposal of respondent's suit. This was also done through orders dated 29.4.2003 and 23.6.2003. We find nothing wrong with the arrangements so made pending adjudication of the suit which seems to us just and reasonable.

8. Appellants are claiming a right to demonstrate. Even if their right to demonstrate peacefully was conceded, they could not invoke this right to demonstrate inside the building of the employer or its compound which could

have the consequence of disrupting the official functioning and operations of the employer. The Supreme Court judgment cited by the learned counsel for the appellants is not an authority authorising an employee to demonstrate on the face of the employer or to disrupt the normal functioning of the employer's office and management. The judgment does nothing more than defining the word demonstration and it nowhere lays down that an employee had a right to demonstrate at a particular place which may otherwise may not be available under any regulation or law. This view is supported by the Supreme Court judgment in *Railway Board Representing The Union of India (UOI) Vs. Niranjan Singh*, in which it was held that no one had a fundamental right to hold meetings in Government premises and those who work in public office had no right of holding meetings at these offices even if it is most convenient place to do so. It would be instructive to quote from this judgment which holds:-

There is no fundamental right for anyone to hold meetings in government premises. The fact that those who work in a public office can go there does not confer on them the right of holding a meeting at that office even if it be the most convenient place to do so. The fact that the citizens of the country have freedom of speech, freedom to assemble peaceably and freedom to form associations or unions does not mean that they can exercise those freedoms in whatever place they please. The exercise of those freedoms will come to an end as soon as the right of someone else to hold his property intervenes. Such a limitation is inherent in the exercise of those rights. The validity of that limitation is not to be judged by the tests prescribed by sub-arts. (2) and (3) of Article 19. In other words the contents of the freedoms guaranteed under cls. (a), (b) and (c) do not include the right to exercise them in the properties belonging to others.

9. Going by this, appellants can't insist to carry on with their protest demonstration in the premises of R-1 or even nearby if it effected the others rights.

10. This appeal consequently fails and is dismissed.