

16
* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 2157/2010

Judgment delivered on: 28th February, 2012

M/s G4S Security Services (India) Pvt. Ltd. Plaintiff
Through Mr. Rajesh Banati with
Mr. Sunil Verma, Advs.

versus

G4S Trade Union Manch & Ors. Defendant
Through Nemo.

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR:

KAILASH GAMBHIR, J.

1. The plaintiff has filed the present suit for permanent injunction to restrain the defendant, their office-bearers, members, agents, supporters, workers etc. from shouting slogans, holding dharnas, demonstrations, meetings, creating nuisance, obstruction, using abusive language, picketing, intimidating etc. within the radius of 100 meters from the gates or boundary wall of the Registered Office of the plaintiff's company at 16, Community Centre, C-Block, Janakpuri, New Delhi-110058, its Corporate Office at Panchwati 82A, Sector 18, Gurgaon, also at the residence of the Regional President of the plaintiff company at Green Farm No.1, Rajokri, near Rajokri red light, New Delhi, at H.No. 4652 P, Sector-

17

23 A Gurgaon-122017, Haryana, of Mrs. Rupal Sinha, Regional Business Development Director and also at the residence of Mr. Neil Prasad, Regional Managing Director, Prithvi Farm, Silver Oak Lane, Satbadi, Chattarpur, New Delhi-110074. It is also prayed that they be restrained from blocking the ingress and egress of the plaintiff's employees, staff, visitors, trucks, tempos etc. in any manner to the aforesaid premises.

2. The case of the plaintiff is that the plaintiff is a private Ltd. Co. incorporated under the Indian Companies Act, 1956 and is one of the largest security services company having nine branches in Delhi and are engaged in providing security services at various offices of companies/clients. It is alleged by the plaintiff that some employees of the Company who are from Delhi indulge in labour activities and trade unionism for their ulterior motives and in order to put pressure on plaintiff to fulfill their illegitimate demands, have been pressurizing the employees to join them and indulge in the activities detrimental to the interest of the plaintiff. It is also alleged that certain employees in connivance with the trade union started stopping the ingress and egress of the other employees and started threatening to demonstrate in front of the offices and residences of the

management and that the plaintiff was constrained to file a suit for Injunction being CS(OS) No.1746/2006 titled as *M/S G4S Security Services (India) Pvt.Ltd v. M/s Group-4 Securicor Mazdoor Union and ors.* wherein an interim Injunction was passed restraining the defendants from picketing within 100 mts. from the gates of the offices and residences of officers of the plaintiff. It is further alleged that since new unions came up and they refused to abide by the aforesaid order, the plaintiff filed another suit for injunction being CS(OS) No.1555/2007 titled *M/S G4S Security Services (India) Pvt. Ltd. v. M/S Group 4 Securicor Mazdoor Union and ors.* which suit has been decreed by this Court thereby restraining the defendants from holding any demonstration within 100 mts. from the gates of the offices of the plaintiff and the residences of its officers. Similar interim injunction was granted to the plaintiff in CS(OS) No. 355/2009 titled *M/S G4S Security Services (India) Pvt. Ltd. v. Group 4 Staff Karamchari Welfare Association and ors.*; CS(OS) No. 833/2009 titled *G4S Security Services (India) Pvt Ltd. v. Group 4, Securicor Employees Welfare Association and ors.* ; CS(OS) No.2438/2009 titled *M/S G4S Security Services (India) Pvt. Ltd. v. Group 4 Falck Employees Union.*; CS(OS) No.225/2010 titled *M/S G4S Security*

Services (India) Pvt. Ltd v. G4S Securicor Karamchari Union and ors.

3. The grievance raised by the plaintiff in the present suit is that the defendant union which is not recognized by plaintiff has now started emerging to show their strength and presence and have been putting pressure on the plaintiff for acceding to their illegal demands including illegal promotion to its employees. The defendant also gave a demand notice to the plaintiff raising some illegal demands and consequently the plaintiff called upon the defendant vide letter dated 19.10.2010 to give information about them, but to no avail. According to the plaintiff, the defendant is bent upon in creating unrest among the workers and as on 26.10.2010, a Notice/pamphlet was circulated by the defendant to the Regional President of plaintiff threatening to hold a demonstration/dharna at the office on 26.10.2010. It is further alleged that Defendants, their Executives, Office-bearers and members have also threatened to hold a mammoth gathering coupled with procession, dharna and demonstration in front of the regional office of the plaintiff and have also threatened to completely stop the work of the plaintiff company, stop ingress and egress and gherao the officers and other staff and hold

20

violent demonstration and dharna from 26.10.2010 before Shram Shakti Bhawan, Rafi Marg, New Delhi on 28.10.2010.

4. An ex parte ad interim injunction restraining the defendants from staging any dharnas/demonstrations and gherao within a radius of 50 meters was granted vide order dated 25.10.2010. Vide order dated 18.1.2012 the defendants were proceeded ex parte. The plaintiff has led ex parte evidence by producing Mr. Sanjeev Kumar Taku as PW1. He rendered his affidavit as PW1/1 wherein he has supported the averments made in the plaint. The certified copy of the incorporation of the plaintiff company has been proved as PW-1/1, copy of the original Power of Attorney in favour of the deponent is exhibited as PW-1/2. The copy of the orders passed by this court in the various suits filed by the plaintiff (mentioned in para 2 herein above) have been proved on record as PW1/3 to PW1/9. A copy of demand notice issued by defendant received by the plaintiff on 17.10.2010 has been proved as PW1/10, copy of a letter dated 19.10.2010 is exhibited as PW-1/11, a copy of the notice/pamphlet dated 26.10.2010 of the defendant thereby threatening the Regional President of the plaintiff company to hold a demonstration/dharna at his Office is exhibited as PW-1/12, copies of 3 letters of Defendants 2 to 4

21

dated 22.10.2010 threatening the plaintiff are exhibited as PW-1/13.

5. The testimony of plaintiff's witness has remained unchallenged.

From the evidence adduced by the plaintiff, I am of the considered view that the plaintiff has succeeded in proving its case as set out in the plaint and is entitled to a decree of permanent Injunction as prayed for. Accordingly, the defendants, their office-bearers, members, agents, supporters, workers are restrained from holding any demonstrations, dharnas, meetings, creating nuisance, using abusive language, obstruction, picketing within the radius of 100 meters of the gates/boundary walls of the Registered Office of the plaintiff's company at 16, Community Centre, C- Block, Janakpuri, New Delhi-110058, its Corporate Office at Panchwati 82A, Sector 18, Gurgaon, also at the residence of the Regional President of the plaintiff company at Green Farm No.1, Rajokri, near Rajokri red light, New Delhi, at H.No. 4652 P, Sector-23 A Gurgaon-122017, Haryana, of Mrs. Rupal Sinha, Regional Business Development Director and also at the residence of Mr. Neil Prasad, Regional Managing Director, Prithvi Farm, Silver Oak Lane, Satbadi, Chattarpur, New Delhi-110074. The defendants are also hereby restrained from blocking



the ingress and egress of the plaintiff's employees, staff, visitors, trucks, tempos etc.in any manner to the aforementioned premises. They are further restrained from shouting slogans, holding dharnas, demonstrations, meetings, obstruction, using abusive language etc. in office uniform at Shram Shakti Bhawan, Rafi Marg, New Delhi.

6. The suit of the plaintiff is thus accordingly decreed with costs.
7. Decree sheet be drawn accordingly.

FEBRUARY 28, 2012


KAILASH GAMBHIR, J

*on Office Note by
fortification*