

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Con.Case(C) .No. 1405 of 2015 (S) IN WP(C) .19091/2015

JUDGMENT IN WP(C) 19091/2015 DATED 31-08-2015

PETITIONER(S)/PETITIONERS IN W.P. (C) :-

N.SHEELA, AGED 43 YEARS, W/O.SREEKUMAR,
PROPRIETRIX, SWATHY EXPORTS, MARANADU P.O.,
KOLLAM RESIDING AT PULARI MUNDAKKAL,
KOLLAM - 691 001.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.SUNIL NARAYANAN
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENT(S) :-

1. T.P.SENKUMAR (AGE AND NAME OF THE RESPONDENT NOT KNOWN TO THE PETITIONER) THE STATE POLICE CHIEF AND DIRECTOR GENERAL OF POLICE, KERALA POLICE HEADQUARTERS, THIRUVANANTHAPURAM - 696 010.
2. MR.PRAKASH (AGE AND NAME OF THE RESPONDENT NOT KNOWN TO THE PETITIONER) THE DISTRICT POLICE CHIEF AND CITY POLICE COMMISSIONER, KOLLAM DISTRICT, KOLLAM - 691 001.
3. MR.SASIKUMAR (AGE AND NAME OF THE RESPONDENT NOT KNOWN TO THE PETITIONER) THE SUPERINTENDENT OF POLICE, KOLLAM RURAL, KOTTARAKKARA - 691 506.
4. MR.P.V.RAMESH KUMAR (AGE AND NAME OF THE RESPONDENT NOT KNOWN TO THE PETITIONER) THE CIRCLE INSPECTOR OF POLICE, EZHUKONE POLICE STATION, KOTTARAKKARA, KOLLAM - 691 505.
5. MR.MANOJ (AGE AND NAME OF THE RESPONDENT NOT KNOWN TO THE PETITIONER) THE SUB INSPECTOR OF POLICE, EZHUKONE POLICE STATION, KOTTARAKKARA, KOLLAM-691 505.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

Contempt Case (Civil) No. 1405 OF 2015

Dated this the 25th day of September, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court alleging contempt. It is stated that the respondent police authorities have violated the directions issued by this court as per judgment dated 31.08.2015. As per the above judgment, we have issued the following directions:

“i) If the petitioner is able to carry on the functioning of the factory with their registered willing workers, the Police shall render necessary protection for their ingress and egress to the factory premises.

ii) If there is any obstruction created in the functioning of the factory, the Police shall ensure maintenance of law and order and also ensure that no obstruction is being created to the functioning of the factory.

iii) The Police shall also provide necessary protection for movement of the finished products from the factory of the petitioner as and when required by the Management.”

2. It is submitted by the petitioner that police is giving a wrong interpretation to the judgment in so far as they are also giving protection to the striking workers who enter

into the factory premises. According to the petitioner, those workers who have already raised a dispute are not entitled to work in the factory premises.

3. The fact remains that if the striking employees are willing to carry on the work, definitely they are entitled to enter into the factory premises and the petitioner cannot object those willing workers from entering into the premises. As long as the services of the workers are not terminated by due process of law, it is not open for the petitioner to contend that merely because they were engaged in the strike, they will not be permitted to enter into the factory premises.

The allegations made by the petitioner do not constitute any willful contempt. Accordingly, the Contempt Case is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**