

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 13320 of 2015 (L)

PETITIONER(S):

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1. ALPESH MHATRE AGED 55 YEARS
MANAGER (HRD), CENTAUR PHARMACEUTICALS PVT.LTD.
CENTAUR HOUSE, NEAR GRAND HYATT, SHANTINAGAR
VEKOLA, SANTACRUZ, EAST-MUMBAI-55.
 2. MANMOHAN P
REGIONAL SALES MANAGER
CENTAUR PHARMACEUTICALS PVT.LTD., KALLATHIL COMPOUND
POWER HOUSE ROAD, ERNAKULAM.
 3. PRASHANTH
REGIONAL SALES MANAGER
CENTAUR PHARMACEUTICALS PVT.LTD., KALLATHIL COMPOUND
POWER HOUSE ROAD, ERNAKULAM.
 4. VENUGOPAL C
AREA SALES MANAGER, CENTAUR PHARMACEUTICALS PVT.LTD.
KALLATHIL COMPOUND, POWER HOUSE ROAD, ERNAKULAM.
 5. ANOOP H
AREA SALE MANAGER, CENTAUR PHARMACEUTICALS PVT.LTD.
KALLATHIL COMPOUND, POWER HOUSE ROAD, ERNAKULAM.
 6. ANOOP NAIR
AREA SALE MANAGER, CENTAUR PHARMACEUTICALS PVT.LTD.
KALLATHIL COMPOUND, POWER HOUSE ROAD, ERNAKULAM.
 7. SREEKRISHNAN T
AREA SALE MANAGER, CENTAUR PHARMACEUTICALS PVT.LTD.
KALLATHIL COMPOUND, POWER HOUSE ROAD, ERNAKULAM.
- BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S):

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1. STATE POLICE CHIEF
POLICE HEAD QUARTERS, VELLAYAMBALAM, TRIVANDRUM.
 2. DISTRICT POLICE CHIEF
TRIVANDRUM CITY
OFFICE OF THE COMMISSIONER OF POLICE, TRIVANDRUM.

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3. DISTRICT POLICE CHIEF
TRIVANDRUM RURAL, OFFICE OF SUPERINTEND OF POLICE
TRIVANDRUM.

4. DISTRICT POLICE CHIEF
KOLLAM CITY, OFFICE OF THE COMMISSIONER OF POLICE
KOLLAM.

5. DISTRICT POLICE CHIEF
KOLLAM RURAL, OFFICE OF SUPERINTEND OF POLICE, KOLLAM.

6. DISTRICT POLICE CHIEF
PATHANAMTHITTA, OFFICE OF SUPERINTEND OF POLICE
PATHANAMTHITTA.

7. DISTRICT POLICE CHIEF
ALAPPUZHA, OFFICE OF SUPERINTEND OF POLICE, ALAPPUZHA.

8. DISTRICT POLICE CHIEF
IDUKKI, OFFICE OF SUPERINTEND OF POLICE, IDUKKI.

9. DISTRICT POLICE CHIEF
KOTTAYAM, OFFICE OF SUPERINTEND OF POLICE, KOTTAYAM.

10. DISTRICT POLICE CHIEF
KOCHI CITY, OFFICE OF THE COMMISSIONER OF POLICE
KOCHI.

11. DISTRICT POLICE CHIEF
ERNAKULAM RURAL, OFFICE OF SUPERINTEND OF POLICE
ERNAKULAM.

12. DISTRICT POLICE CHIEF
THRISSUR CITY, OFFICE OF THE COMMISSIONER OF POLICE
THRISSUR.

13. DISTRICT POLICE CHIEF
THRISSUR RURAL, OFFICE OF SUPERINTEND OF POLICE
THRISSUR.

14. DISTRICT POLICE CHIEF
PALAKKAD, OFFICE OF SUPERINTEND OF POLICE, PALAKKAD.

15. DISTRICT POLICE CHIEF
MALAPPURAM, OFFICE OF SUPERINTEND OF POLICE
MALAPPURAM.

16. DISTRICT POLICE CHIEF
KANNUR, OFFICE OF SUPERINTEND OF POLICE, KANNUR.

17. DISTRICT POLICE CHIEF
KOZHIKODE CITY, OFFICE OF THE COMMISSIONER OF POLICE
KOZHIKODE.

18. DISTRICT POLICE CHIEF
KOZHIKODE RURAL, OFFICE OF SUPERINTEND OF POLICE
KOZHIKODE.

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19. DISTRICT POLICE CHIEF
WAYNAD, OFFICE OF SUPERINTEND OF POLICE, WAYNAD.

20. DISTRICT POLICE CHIEF
KASARAGOD, OFFICE OF SUPERINTEND OF POLICE, KASARAGOD.

21. THE SECRETARY
KERALA MEDICAL AND SALES REPRESENTATIVES ASSOCIATION
B.T.R BHAVAN, SEMETRY JUNCTION, CHITTOOR ROAD
ERNAKULAM.

22. THE PRESIDENT
KERALA MEDICAL AND SALES REPRESENTATIVES ASSOCIATION
B.T.R BHAVAN, SEMETRY JUNCTION, CHITTOOR ROAD
ERNAKULAM.

R21 & 22 BY ADV. SRI.ASOK M.CHERIAN
R21 & 22 BY ADV. SRI.T.R.RENJITH
R21 & 22 BY ADV. SRI.R.ROHITH
R21 & 22 BY ADV. SRI.K.JANARDHANA SHENOY
R21 & 22 BY ADV. SRI.V.K.PRASAD
R1 TO R20 BY SR.GOVERNMENT PLEADER SRI.C.R.SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE SOUTH POLICE STATION, ALAPPUZHA BY 4TH PETITIONER.

P1(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P1.

P1(B)- COPY OF THE STATEMENT GIVEN BY THE 4TH PETITIONER TO S.I OF POLICE, SOUTH POLICE STATION.

P2- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE ELAMAKKARA POLICE STATION, ERNAKULAM BY 2ND PETITIONER.

P2(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P2.

P3- COPY OF THE TRANSFER ORDER ISSUED BY 1ST PETITIONER.

P4- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE EAST POLICE STATION, KOLLAM BY 4TH PETITIONER.

P4(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P4.

P5- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE IRINJALAKUDA POLICE STATION BY 2ND PETITIONER.

P5(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P5.

P6- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE NORTH PARAVUR POLICE STATION BY 2ND PETITIONER.

P6(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P6.

P7- COPY OF THE COMPLAINT BEFORE THE S.I OF POLICE ANGAMALY POLICE STATION BY 2ND PETITIONER.

P7(A)- COPY OF THE ACKNOWLEDGMENT OF EXBT.P7.

P8- COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

EXHIBIT R21(a): COPY OF APPEAL SUBMITTED BY MR.AJITH KUMAR BEFORE THE MANAGEMENT BY E-MAIL DATED 24.3.2015.

EXHIBIT R21(b): COPY OF CHARGE-SHEET DATED 13.4.2015 SERVED ON MR.AJITH KUMAR BY E-MAIL.

EXHIBIT R21(c): COPY OF REPLY DATED 17.4.2015 TO EXHIBIT R21(b) CHARGE-SHEET, SUBMITTED BY MR.AJITH KUMAR BY E-MAIL.

EXHIBIT R21(d): COPY OF LETTER EXPRESSING PROTEST OF THE TRADE UNION AGAINST THE TRANSFER OF MR.AJITH KUMAR AND OTHER WHIMSICAL STEPS ADOPTED BY THE MANAGEMENT OF M/S.CENTAUR PHARMACEUTICALS TOWARDS ITS SALES REPRESENTATIVES ASSOCIATION BEFORE THE PRESIDENT OF M/S.CENTAUR PHARMACEUTICALS DATED 31.3.2015.

/TRUE COPY/

PS TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).No.13320 of 2015

Dated this the 1st June, 2015

JUDGMENT

Shaffique, J.

The petitioners have approached this Court seeking police protection. It is claimed that the Company, Centaur Pharmaceuticals Private Ltd., is having more than thousand sales representatives and managers across the country. Petitioners 2 and 3 are Regional Managers and others are Managers of the Company. Petitioner No.21 is the State Secretary of the Kerala Medical and Sales Representatives Association, which is a registered trade union. Petitioner No.22 is its President. A trainee representative, by name Anil Das was terminated from service. He raised a dispute, which is pending before the appropriate labour authority. One Ajit Kumar, a Sales Representative was transferred to another unit. The

petitioners submit that provoked by the above action, the respondents have started agitation against the representatives of the Company and therefore they are unable to carry on their business. Though complaints were given before the Police in different areas seeking police protection, the Police have not done anything regarding the matter.

2. A counter affidavit has been filed by respondents 21 and 22 inter alia stating that they have raised an issue relating to the activities being carried out by the Company against its employees. Petitioner No.21 has filed a complaint before the District Labour Officer, Palakkad requesting to interfere in the matter and resolve the dispute. It is submitted that the trade union has not prevented the petitioners in any manner as alleged.

3. Having regard to the factual situation involved in the matter, it is borne out that the Company has several officers and it might be difficult for the Police to keep a

track on their movement and provide police protection during their field work. The Police can interfere only if any offence is committed or there is attempt to commit offence. But, if any offence is committed or there is attempt to commit offence during the petitioners' field work, the Police, on the petitioners' complaint, has to take appropriate action. The petitioners' complaint is that though they have approached the Police, no action has been taken by the Police.

4. The learned Government Pleader, on instructions, would submit that as and when any complaint is received, the Police will enquire into the matter and do the needful.

5. In the above factual situation, this Writ Petition is disposed of as under:

If any of the representatives of the petitioner Company files complaint regarding any illegal obstruction or any offence being committed or attempt to commit offence by the respondents or their men, the Station

House Officer concerned shall look into the matter and do the needful.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs1/6/15