

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 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 30423 of 2014 (C)

PETITIONER :

**AGE INDUSTRIES PRIVATE LIMITED.,
REPRESENTED BY THEIR ASSISTANT MANAGER,
MR.SAJEEV C, 1/887, AGEIND HOUSE, KOUSAPARA P.O.,
MENONPARA, PALAKKAD -678 556.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM**

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE,
PALAKKAD RURAL, PUDUSSERY P.O, PALAKKAD- 678 007**
- 2. THE STATION HOUSE OFFICER,
KASABA POLICE STATION, PUDUSSERY P.O,
PALAKKAD-678 007**
- 3. M/S. KITE LOGISTICS,
12 A, 7/863(13), SREEVALSAM CENTRE,
AYYAPURAM, KALPATHY P.O, PALAKKAD -678 702.**
- 4. BHARATHIYA MAZDOOR SANGH,
REPRRESENTED BY ITS SECRETARY MR.SUDHAKARAN,
HARIKKARA STREET, PALAKKAD -678 001.**
- 5. SUSHEELA V., W/O.MANONMANI,
NEAR SUGAR COLONY, MENONPARA P.O,
PALAKKAD -678 556**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY ADV. SRI.V.K.SHAMUSUDHEEN
R4 & R5 BY ADVS. SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THE 3RD RESPONDENT DATED 1-4-2013
- EXT.P2 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT ON 18-10-2014
- EXT.P2(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P2 DATED 18-10-2014
- EXT.P3 - TRUE COPY OF THE COMPLAINT MADE TO THE 2ND RESPONDENT DATED 12-11-2014
- EXT.P3(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P3 DATED 12-11-2014.
- EXT.P4- TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER DATED 29/05/2015
- EXT.P4(A)- TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P4 DATED 29/05/2015
- EXT.P5- COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 20/07/2015
- EXT.P5(A)- TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5 DATED 20/07/2015
- EXT.P6- TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DATED 20/07/2015
- EXT.P6(A)- TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P6 DATED 20/07/2015

RESPONDENT(S)' EXHIBITS

- EXT.R4(A)- TRUE COPY OF THE NOTICE DATED 28/6/2014 ISSUED BY THE DISTRICT LABOUR OFFICER, PALAKKAD.
- EXT.R4(B)- TRUE ENGLISH TRANSLATION OF EXHIBIT R4(A)
- EXT.R4(C)- TRUE COPY OF THE NOTICE DATED 30/9/2014 ISSUED BY THE DISTRICT LABOUR OFFICER, PALAKKAD.

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- EXT.R4(D)- TRUE ENGLISH TRANSLATION OF EXHIBIT R4(C)
- EXT.R4(E)- TRUE COPY OF THE NOTICE DATED 23/10/2014 ISSUED BY THE
DISTRICT LABOUR OFFICER, PALAKKAD
- EXT.R4(F)- TRUE ENGLISH TRANSLATION OF EXHIBIT R4(E)

/TRUE COPY/

P.S.TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 30423 of 2014

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Dated this, the 3rd day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection *inter alia* contending that respondents 4 and 5 are creating obstruction to the functioning of the petitioner's unit which is engaged in manufacturing of gloves at its factory at Kousapara in Palakkad District. It is stated that the 3rd respondent is a contractor who had been engaged by the petitioner for doing the inspection and packing work of products manufactured by them and at certain occasions, workers engaged by the 3rd respondent used to come to the petitioner's factory for carrying out the job as well. The employees engaged by the 3rd respondent has certain issues with the 3rd respondent, which matter is pending before the District Labour Officer. Alleging that on account of such issues, the workers engaged by the 3rd respondent are obstructing the functioning of the petitioner's unit

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and the entire work in the factory has been disrupted, the petitioner had approached the police for necessary police protection. Since no action has been taken by the police, this writ petition has been filed.

2. Counter affidavit has been filed by respondents 4 and 5 *inter alia* stating that though it is a labour contract with the 3rd respondent, the members of the 4th respondent union are working for the petitioner's company. The issue raised by the union is pending consideration before the District Labour Officer. It is stated that the 4th respondent union has taken up the cause of the employees and the intention of the petitioner is to disrupt the conciliation talks initiated by the District Labour Officer. It is further submitted that they have not blocked or disrupted the functioning of the factory in any manner.

3. Learned counsel appearing for respondents 4 and 5 would submit that the intention of the petitioner is to engage migrant labourers by denying employment to the persons who are actually working.

4. Learned counsel appearing for the petitioner would further submit that they are only employing those workers who

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have been permanently engaged by them and those workers who are willing to carry on their work.

Having regard to the aforesaid factual situation, we are of the view that the writ petition can be disposed of as under;

(1) If there is any obstruction in the functioning of the factory of the petitioner, the police shall ensure maintenance of law and order and shall also ensure the ingress and egress for movement of goods, staff, vehicles, customers etc.

(2) The dispute raised by respondents 4 and 5 shall be adjudicated by the District Labour Officer in accordance with law and the police shall be informed of any such decision taken by the authorities.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge