

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.29913 of 2015

M/s.W.S.Industries India Ltd.,
Rep. by its Authorized Signatory Mr.K.Rajasekhar,
Office at No.108, Mount Poonamallee Road,
Chennai.

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Greater Chennai Police, Ambattur District,
Ambattur, Chennai.

2.The Inspector of Police,
T15 SRMC Police Station,
Mount Poonamallee High Road,
Chennai-600 116.

3.WS Industries Anna Thozhilalargal Sangam,
Rep. by its President V.Sathyamoorthy,
No.1/27, Naidu Street,
Ramapuram,
Chennai-600 089.

4.W.S.Industries Workers & Staff Progressive Union,
Rep. by its General Secretary Mr.P.Kumarasamy,
No.10, 14th CRP Garden,
Kodambakkam,
Chennai-600 024.

... Respondents

(R3 & R4 were impleaded as per the order
dated 21.01.2016 in M.P.No.1 of 2015)

Prayer: Petition filed under Section 482 of Cr.P.C., praying
to direct the respondents to provide necessary police
protection to petitioner at their premises bearing No.108,
Mount Poonamallee Road, Chennai-600 116 at the cost of the
petitioner.

For Petitioner : Mr.R.Krishnamoorthy

For Respondents : Mr.C.Emalias, APP (For R1 & R2)
No appearance for R3 & R4

ORDER

This petition has been filed by the petitioner praying to direct the respondents/police to provide necessary police protection to the petitioner at their premises bearing No.108, Mount Poonamallee Road, Chennai-600 116 at the cost of the petitioner.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner, inter alia, as follows:-

2-1.The petitioner-company is engaged in the manufacturing and supply of Electro Porcelain Insulators to Central Power Grid Corporation of India Ltd and State Government Electricity Boards like TANGEDCO, MSETCL, KPTCL etc. The petitioner is carrying on its business activities at No.108, Mount Poonamallee Road, Porur, Chennai. From the year 2010 onwards, due to escalation of prices in the raw materials, components and fuel, the production cost has phenomenally increased and due to wide spread dumping of insulators from China at very low prices, the selling price of the insulators produced by WSI collapsed and the company also lost orders from its erstwhile customers. Due to the said reasons, the petitioner-company faced severe loss and in fact, the petitioner-company suffered a loss exceeding Rs.100 crores, during last three years. Due to the severe financial distress, the petitioner announced a New Voluntary Retirement Scheme 2013 (VRS). The workmen of the petitioner-Company had also agreed for the same and accordingly, a settlement was reached under Section 18(1) of the Industrial Disputes Act and bipartite settlement was entered on 16.09.2013 with each of the unions of the petitioner-company. For the workers, who were not satisfied with the said scheme, Early Separation Scheme 2013 (ESS) was devised with similar benefits as in the case of the New Voluntary Retirement Scheme. The scheme was also published in the Notice Board of the petitioner-company. As per the said scheme, no manufacturing activities were undertaken by the petitioner-company since February-2014. The petitioner-company entered into the settlement with the workers based on the sale of portion of land at Porur plant owned by the company. Despite the critical conditions, the petitioner-company has cleared VRS and ESS for about 57 workmen. The time for settlement was periodically extended. The company also explored various options for settling the dues of the workers. The petitioner/company made several representations to the Labour Departments in both State Government and Central Government.

2-2.While things being so, despite being well aware about the status of the petitioner-company and also the steps taken by the company for sorting out the entire issues, the workers of the petitioner-company have started giving trouble

for the last three months and sending threatening messages to the management of the petitioner-company. On 03.08.2015, around 150 workers indulged in stay-in-strike and also shouted that they would commit mass suicide, if the settlement is not made immediately. On the same day, the petitioner-company lodged a complaint with the 2nd respondent-Police which was received in C.S.R.No.619 of 2015. Again on 29.10.2015, the workers' union office bearers along with some of the workers restricted the entry of vehicles inside the company's premises and shouted slogans against the management. Once again, a complaint has been lodged with the 2nd respondent and the same was received in C.S.R.No.775 of 2015; however, it was subsequently withdrawn. Again on 04.11.2015, 06.11.2015, 17.11.2015 and 19.11.2015, either one group of the workers of the other started troubling and disturbing the office of the petitioner-company from functioning. Though complaint has been given to the 2nd respondent, no action has been taken by them. The petitioner-company has also filed a suit for injunction before the District Munsif at Poonamallee vide O.S.No.373 of 2015 and the same is pending. At the peak of the problems, on 08.12.2015 six workers climbed atop the factory building and threatened that they would commit suicide. The respondent-Police, Revenue and Fire service personnel arrived at the spot and it took nearly 4 to 5 hours to pacify them and bring them back to the floor. Hence, once again a complaint has been lodged on 09.12.2015 with the respondents and it was received in C.S.R.No.827 of 2015.

2-3. According to the petitioner-company, the act of the workers of the petitioner-company has become a continuous trouble and hindrance to the petitioner. There is every possibility that the workers will manhandle the management. Therefore, the petitioner made a representation dated 09.02.2015 requesting the 1st respondent / Police to provide necessary police protection to the petitioner's management and also the premises of the company. Since no action was taken by the respondents-Police, the petitioner has come forward with the present petition before this Court.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor and the learned counsel for the respondents 3 & 4 and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court directs the 1st respondent/Police to consider the representation of the petitioner dated 09.12.2015 and to pass appropriate orders with regard to police protection, after affording opportunity to all the necessary parties, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Deputy Commissioner of Police,
Greater Chennai Police, Ambattur District,
Ambattur, Chennai.
2. The Inspector of Police,
T15 SRMC Police Station,
Mount Poonamallee High Road,
Chennai-600 116.
3. The Public Prosecutor,
Madras High Court, Madras.

+2cc's to M/s.Ojas Law Firm, Advocate, S.R.No.979

Cr1.O.P.No.29913 of 2015

AK(CO)
CA(12/02/2016)

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