

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10681 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ directing the official respondents to provide protection to the Petitioner Factory and for the shifting of the Machinery, Raw material, Semi-finished, Un-finished and Finished goods to their other Jute Mills situated at Eluru and Kotturu (near Eluru), West Godavari District and pass such other order or orders as this Hon’ble Court may deem of justice.”

2. I have heard the submissions of Sri *G.Vidya Sagar*, learned Senior Counsel, representing Smt *K.Udaya Sri*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 5. I have perused the material record.

3. The facts stated by the learned Senior Counsel appearing for the petitioner, in brief, are as follows: The petitioner factory at Guntur was engaged in Jute manufacturing. The company, which is one of the oldest companies in the State of Andhra Pradesh, fell sick and remained closed from 1987 to 1994 due to financial and labour problems. The matter was referred to BIFR and a Case No.42/1989 was registered. Rehabilitation Scheme was approved by BIFR, on 16.06.1994. The Scheme was modified, on 25.02.1997. The new management has wide experience and it owns dozen jute mills at other places. The Mill was running successfully by providing employment to about 3,000 workers. Due to chronic

absenteeism of workers, problems started in the factory since 2012. The matter was brought to the knowledge of the Commissioner of Labour. Afterwards, there was an apprehension of greater damage to the property and injury to the staff. Therefore, a lockout was declared on 04.07.2015. Many workers resigned. Only 366 workers remained on rolls. They were offered closure compensation and were issued cheques by post, but the same were returned. Against Government orders in G.O.Rt.No.66, Labour, Employment, Training and Factories Department, dated 14.02.2018, which was communicated, on 27.02.2018, appropriate steps are being contemplated to be taken, as the said orders are in contravention of the provisions of the Industrial Disputes Act. While the matter stood thus, the raw material – finished, semi-finished and unfinished goods is lying in the factory premises. The said goods are perishable and will not be useful after a considerable period. Some machinery is also required for use in some other units of the petitioner factory, situated at Eluru and Kothur (near Eluru) of West Godavari District. Hence, the petitioner factory is taking steps for shifting or removal of the same. However, some outsiders, claiming to be representatives of the workmen are obstructing and not permitting to move the said material. Hence, the present writ petition is filed.'

4. At the hearing, learned Senior Counsel fairly submits that at this stage, the petitioner factory is willing not to shift the machinery and, therefore, the relief in the writ petition is confined to shifting of raw material – finished, semi-finished and unfinished from the premises of the subject factory to their other jute mills, situated at Eluru and Kothur (near Eluru) of West Godavari District.

5. Learned Government Pleader for Home, on written instructions, dated 09.04.2018, a copy of which is placed on record, would submit as follows: 'There is a labour dispute between the petitioner factory and their workers. The workers have given representation, dated 27.03.2018, against shifting of machinery and material from the jute mill premises. Government have not accorded permission for shifting of the machinery etc., to the petitioner. The said fact is also mentioned in the Government Order in G.O.Rt.No.66, Labour, Employment, Training and Factories Department, dated 14.02.2018. In view of the above said facts, police protection cannot be given to the petitioner factory.'

6. Learned Senior Counsel for the petitioner, in reply, would submit that G.O.Rt.No.66, Labour, Employment, Training and Factories Department, dated 14.02.2018, is assailed in W.P.No.13341 of 2018 and it is yet to be admitted. His further submission is that the G.O. is with regard to closure of the unit and it will not come in the way of this Court passing an order, in the event this Court is inclined to pass an order, as sought for by the petitioner.

7. Having regard to the facts and submissions and considering the fact that the goods are perishable after a considerable time and may not be useful after lapse of time, the Writ Petition is ordered directing the respondents 3 & 4 to provide police protection to the petitioner factory for shifting of raw material – finished, semi-finished and unfinished goods, from the petitioner factory premises to other jute mills, situated at Eluru and Kothur (near Eluru) of

West Godavari District, at the expense of the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 23rd April, 2018

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