

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27479 of 2018
and W.M.P.No.31986 of 2018

Manatec Electronics Pvt. Ltd.,
rep. by its Deputy General Manager (HR & Admin),
C-22 & 23, Industrial Estate,
Thattanchavady,
Puducherry - 605 009. Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Puducherry - 605 001.
- 2.The Senior Superintendent of Police,
Office of the Director General of Police,
Beach Road, Puducherry - 605 001.
- 3.The Superintendent of Police (South),
Thavalakuppam, Puducherry.
- 4.The Inspector of Police,
Villianur Police Station, Villianur Puducherry.
- 5.The Sub-Inspector of Police,
Karikalampakkam Out Police Station,
Karikalampakkam, Puducherry.
- 6.The Sub-Inspector of Police,
Korkadu Out Police Station, Korkadu, Puducherry.
- 7.Pudhiya Jananayaga Thozhilalar Munnani
Manatec Electronics Branch,
rep. by its President P.Narasingaperumal (as claimed),
18, 4th Cross Street, Pudhu Nagar,
Bahourpet, Bahour, Puducherry - 607 402. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus to direct the 5th respondent to take immediate action on the two complaints dt.08.10.2018 & 09.10.2018 given by the petitioner

company and to direct the respondents 1 to 6 to give adequate police protection to its Factory situated at Bahour Main Road, Karikalampakkam, Puducherry - 605 007 and its properties and prevent anyone entering within the 500 meters radius of the same, indulging in any violent activities, carrying out any demonstrations, meetings, disrupting its manufacturing activities, block its vehicular movements etc. in any manner therein.

For Petitioner : Mr.T.P.Manoharan Sr.Counsel
for Mr.T.M.Naveen

For Respondents: Mr.V.Balamurugane for R1 to R6
Public Prosecutor (Pondy.)

O R D E R

The Writ Petition has been filed to direct the fifth respondent to take immediate action on the two complaints dt.08.10.2018 & 09.10.2018 given by the petitioner company and to direct the respondents 1 to 6 to give adequate police protection to its Factory situated at Bahour Main Road, Karikalampakkam, Puducherry - 605 007 and its properties and prevent anyone entering within the 500 meters radius of the same, indulging in any violent activities, carrying out any demonstrations, meetings, disrupting its manufacturing activities, block its vehicular movements etc. in any manner therein.

2.Heard, Mr.T.P.Manoharan, learned counsel for appearing the petitioner and Mr.V.Balamurugane, learned Additional Public Prosecutor (Puducherry) appearing for the respondents 1 to 6 and perused the materials available on record.

3.It is seen from the records that the petitioner company is an unregistered union. The said unregistered trade union is added in this writ petition as the seventh respondent. The said Jayaprakash was thereafter dismissed from service by the petitioner company by an order dated 29.04.2015. An industrial dispute has been raised in this regard and also connected writ petition in W.P.No.15338 of 2015 is also pending before this Court. The conciliation proceedings is pending before the Labour Officer (Conciliation) Puducherry and therefore Section 23(a) of the Industrial Dispute Act will come into operation. While so the said Jayaprakash has instigated some workers claiming themselves to be members of the seventh respondent Union to go for a illegal strike. These persons are standing right besides the factory premises and are preventing the ingress and egress and also preventing the other workers from attending the work. In the mean time, there was a conciliation process between the management and the trade union. While

pending the conciliation proceedings, the seventh respondent was trying to indulge in coercive activities, thereby disturbing the smooth functioning of the petitioner-company.

4.Considering the above facts and circumstances, this Court by an order dated 16.10.2018, restrained the seventh respondent from indulging any illegal strikes or other activities within 500 meters from the petitioner company and further prevented are preventing the ingress and egress and also preventing the other workers from attending the work. The interim order is still in force. Now, the learned counsel appearing for the both parties submitted that the conciliation proceedings are over between the petitioner's management and the seventh respondent and now the petitioner-company is running smoothly without any disturbance whatsoever by the seventh respondent.

5.Recording the same, the writ petition is closed. If the seventh respondent indulges in any coercive activities disturbing the smooth functioning of the petitioner-company, it is needless to say that the petitioner is at liberty to seek necessary protection from the concerned jurisdiction police officers and on receipt of such request, the concerned jurisdiction police shall consider the same and pass orders in merits and accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

- 1.The Director General of Police,
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Karikalampakkam, Puducherry.

6.The Sub-Inspector of Police,
Korkadu Out Police Station, Korkadu, Puducherry.

7.The Public Prosecutor,
Puducherry, High Court, Madras

W.P.No.27479 of 2018
and W.M.P.No.31986 of 2018

SSV(CO)
GMY(24/06/2019)



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