

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM:

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

WP.No.12092 of 2020
and
WMP.No.14830 of 2020

SRF Limited,
No:1, Nedunchezhiyan St,
Manali Industrial Area,
Manali,
Chennai 600 068. Petitioner
rep.by its Authorised Signatory

Vs.

- 1.Assistant Commissioner of Police,
Ennore Range,
1/39, Rajiv Gandhi Nagar, Neidhal Nagar,
Tiruvottiyur, Chennai,
Tamil Nadu 600 019.
- 2.The Inspector of Police,
Manali Police Station,
Manali.
- 3.SRF & SRF (Polymer) Employees Union,
Represented by its General Secretary,
11, Bharathiyar Street, Manali,
Chennai 600 068. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Direction directing the second respondent herein to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises and further prevent the members of 3rd respondent Union to assemble illegally in any form within the radius of 200 meters from petitioner's factory premises at No.1, Nedunchezhiyan St, Manali Industrial Area, Manali, Chennai 600 068 and to vacate them if necessary, pursuant to complaint of the petitioner dated 08.08.2020 submitted to the 2nd respondent.

For Petitioner : Mr.Anand Gopalan
for Mr.T.S.Gopalan and Co.,

For Respondents: Mr.S.Karthikeyan (for R1 & R2)
Additional Public Prosecutor
Mr.Suresh Sakthi Murugan (for R3)

O R D E R

This Writ Petition has been filed seeking direction directing the second respondent herein to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises and further prevent the members of 3rd respondent Union to assemble illegally in any form within the radius of 200 meters from petitioner's factory premises.

2. The petitioner has got Industrial Units at various places in India and is engaged in the manufacture of rubber and nylon products at Manali, Gummidipoondi and Viralimalai in Tamil Nadu. Due to Pandemic of Covid-19, the Government of India announced the lockdown from 23.03.2020. While being so, on 22.04.2020, the petitioner expressed its intention to provide alternate employment to employees in its other units protecting their past services. Some employees were transferred and remaining employees were unable to be accommodated on account of non-availability of vacancies.

3. In view of the abovesaid reasons, the 3rd respondent gave a representation to the Deputy Commissioner of Labour, Conciliation Office-II, Kuralagam, Chennai.. In fact, the 3rd respondent also approached this court by way of WP.No.8980 of 2020 for a direction to the Conciliation Officer to dispose the dispute raised by them within a stipulated time. This court directed the 3rd respondent to have bilateral talks and explore the possibilities of settlement.

4. The third respondent has contemplated to hold siege of the units at Manali by preventing the activities of the petitioner Company. Therefore, there is a possibility for creating unnecessary chaos by preventing all the workmen of the factory from carrying out the business. Therefore, the petitioner sought for police protection by a representation dated 08.08.2020 to the 2nd respondent seeking adequate police protection.

5. The learned counsel for the 3rd respondent has submitted that on 04.09.2020, the Conciliation Officer convened the Conciliation hearing and directed the petitioner Company to file their counter in the next hearing fixed on 11.09.2020. He further submitted that in WP.No.8980 of 2020 by order 24.08.2020, this Court has directed the Conciliation

Officer to take up the conciliation proceedings in the industrial dispute raised by our union before 04.09.2020 and on 04.09.2020, the Deputy Commissioner of Labour (Conciliation) -II, Chennai, convened the conciliation hearing and directed the petitioner Company to file their counter in the next hearing fixed on 11.09.2020. While pending conciliation proceedings, the petitioner Company has given a representation to the 2nd respondent police on 11.08.2020 seeking police protection without any disturbances caused by the Union or any of the workmen in their industrial process of ingress and egress of vehicles and people from in and out of factory premises. He further submitted that the 3rd respondent Union members never disturb the functioning of the Company. Their only apprehension is that they could be transferred to another States in which the petitioner Company is having manufacturing units such as Maharashtra, Madhya Pradesh and Gwalior. He further submitted that on behalf of 140 workmen, only the office bearers of the Union are negotiating with the petitioner Company in peaceful manner. No strike notice has been given by them and they invoked the conciliation proceedings in accordance with law.

6. The learned Additional Public Prosecutor has submitted that on receipt of the complaint on 08.03.2020, the petitioner was issued CSR.No.278 of 2020 and it is pending for enquiry since already the matter was taken by the Conciliation Officer and negotiation are going on between the petitioner and the 3rd respondent herein.

7. Heard Mr.Anand Gopalan, learned counsel appearing for Mr.T.S.Gopalan and Co., Mr.S.Karthikeyan, learned Additional Public Prosecutor for respondents 1 and 2 and Mr.Suresh Sakthi Murugan, learned counsel for the third respondent.

8. Considering the above facts and circumstances of the case and also the submissions made by either side, it is seen that the 3rd respondent Union Members never intended to cause any disturbance in their industrial process or ingress and egress of vehicles and people from in and out of the petitioner's Factory premises. Even on perusal of the affidavit, it is seen that there is no specific allegation on the 3rd respondent Union Members. Now the negotiation proceeding is pending with the Deputy Commissioner of Labour (Conciliation)-II, Chennai and the matter is pending for filing counter and disposal on 11.09.2020.

9. This court already directed the Conciliation Officer to take up conciliation proceedings before 04.09.2020 and expeditiously complete the same within the stipulated time.

10. Recording the said submission made by the learned counsel for the 3rd respondent and also counter filed by the

3rd respondent, it is made clear that the petitioner would not terminate the employees of the 3rd respondent Union and their employment will be safeguarded. Further as per the undertaking given by the 3rd respondent, 3rd respondent employees are also directed not to indulge in any untoward incidents in the petitioner's premises.

11. Recording the said submission, this Writ Petition is closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

1. Assistant Commissioner of Police,
Ennore Range,
1/39, Rajiv Gandhi Nagar, Neidhal Nagar,
Tiruvottiyur, Chennai,
Tamil Nadu 600 019.

2. The Inspector of Police,
Manali Police Station,
Manali.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.S.Gopalan & Co, Advocate SR.29082

सत्यमेव जयते

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and

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VP (CO)
CB(28/10/2020)

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