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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.20577 of 2021

&

WMP.No.21819 & 21822 of 2021

The Management
Sanmina SCI India Private Limited
OZ-1, Sipcot Hi-Tech SEZ,
Oragadam, Sriperumbudur Taluk
Kancheepuram District - 602 105
Rep by its Hr Director & Authorised Signatory
R.Kumar. ... Petitioner

Versus

1. The Inspector of Police,
C - 5 Oragadam Police Station,
Oragadam Industrial Corridor, Vaipoor,
Kanchipuram District - 631605
2. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
3. Left Trade Union Centre
No.268, Bajanai Kovil Street,
Pillaipakkam, Sriperumbudur Taluk
Kancheepuram District - 602 105
Rep. by its General Secretary ... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the constitution, to issue Writ of Mandamus, directing the 1st and 2nd respondent to provide police protection based on the complaint dated 07.09.2021 given by the petitioner and evict all the employees who hold stay-in and hunger strike from inside the factory premises of the petitioner and ensure movement of staff and officers and other persons and ingress and egress of vehicles carrying finished goods and raw materials at OZ-1, SIPCOT Hi-Tech SEZ, Oragadam, Sriperumbudur Taluk, Kancheepuram District - 602 105.



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For Petitioner : Mr.C.Manohar Gupta.
For M/s.Gupta and Ravi

For Respondents: Mr.A.Damodharan,
Addl. Public Prosecutor
for Respondent R1 & R2.

ORDER

The petitioner is the manager of a factory, in which, around 2000 employees, including 430 operators, 450 Office staffs, Trainees and contract employees, are working there. The Left Trade Union Centre (LTUC) union had given a representation on 02.08.2021 to recognize their union, for which, the management did not agree. Thereafter, on 06.09.2021, on notice to the Deputy Commissioner of Labour, Sriperumbudur, to mediate the labour dispute with the management, mediation talks initiated agreed not to resort to any strike. Contrary to the agreement, on 06.09.2021, the un-recognized labour union started stay-in-strike, thereby, causing disturbance and obstructions to the production activities. Further, they are also staying inside the factory beyond the shift period and obstructing the other workers, who intended to work in the factory and there is likelihood of disturbance of law and order and disturbance to public peace. Hence, they lodged a complaint to the respondent-police. On receipt of the complaint, CSR No.373 of 2021 assigned, no action taken. He further submitted that in the prevailing pandemic period, with great difficulties, and with lot of constraints, the production activities are commenced. At this stage, unreasonable demands by the employees are made, who are misguided, making illegal strike and Dharna. Further, they are conducting, sit in strike not only inside the factory, but also, within 200 metres of the factory premises, thereby causing hindrance to the ingress and egress of men and materials and free functioning of the factory. The respondent-police are hesitant to take action, apprehending further violence and law and order problem.

2. The learned counsel for the petitioner placing reliance on the decision of this court in the case of The Management of SNY Autotech Pvt, Ltd., Rep. by its Director Vs. The Inspector of Police, C1 Police Station, Sriperumbudur and another reported in 2018 SCC Online Mad 3390, wherein, this court, on a similar situation had given direction to the Jurisdictional Police to provide police protection to the factory premises of the petitioner-Company to ensure that there is free ingress and egress of men and materials. Further, the police to ensure that



no law and order problem is created near the factory premises and normalcy is maintained. The Labour Unions/Labour Federation to conduct the demonstration/strike, 200 mts away from the petitioner's factory premises. It is left open to the parties to agitate their respective rights before the appropriate forum. In view of the above, the petitioner herein seeks police protection.

3. The learned Additional Public Prosecutor submitted that on the complaint lodged by the petitioner, CSR No. 373 of 2021 has been assigned immediately and the police picketing posted near the factory, protection given. There seems to be some intrusions by the labourers within the 200 meters of the factory. If directions given, they will be removed. Further, they have already ensured that there is no obstruction of any ingress and egress of the factory and free movement of the men and materials of the factory and also the persons, who are willing and interested to work in the factory, they would be given proper protection.

4. Considering the same, the respondent 1 and 2 are directed to provide police protection to the factory premises of petitioner and to ensure that there is free ingress and egress of men, materials and vehicles. The respondent police is directed to ensure that no law and order problem is created near the factory premises and normalcy is maintained. The 3rd respondent can conduct the demonstration/strike, 200 metres away from the petitioner's factory and office, premises.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Inspector of Police,
C - 5 Oragadam Police Station,
Oragadam Industrial Corridor, Vaipoor,
Kanchipuram District - 631605



2. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Gupta and Ravi, Advocate Sr.51367

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