

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NOS.18411 OF 2020

M/s.Greaves Cotton Ltd.,
Rep.by Its Factory Manager,
Mr.U.Arumugam,
Light Engine Unit - II,
No.72 SIPCOT Industrial Complex,
Ranipet-632 403.

... Petitioner

Vs.

1. The Inspector of Police,
Law and Order, Ranipet Police Station,
Ranipet-632401.

2. Workmen of Greaves Cotton Ltd.
Through United Labour Federation (Reg.No.2657/CNI),
Rep.by its President, Mr.K.Mariappan,
4th Floor, CJ Complex, 149,
Thambu Chetty street,
Chennai 600 001.

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the 1st respondent police provide such full and
adequate protection as may be required to the petitioner to
enable the petitioner to remove the Schedule Mentioned Goods
lying at its factory situated at Plot No.72 SIPCOT Industrial
Complex, SIPCOT, Ranipet - 631403.

For Petitioner : Mr.Sanjay Mohan
for M/s.Ramasubramaniam Associates

For 1st Respondent: Mr.M.Mohammed Riyaz
(Crl.side)
Additional Public Prosecutor

For 2nd Respondent: Mr.V.Prakash
Senior Counsel
for M/s.Ramalingam Associates

O R D E R

This Criminal Original Petition has been filed for a direction to the 1st respondent Police to provide Police Protection in order to enable the petitioner Company to remove its machinery from its Factory premises.

2.The petitioner Company was running a Factory at Ranipet and it had employed nearly 146 persons to carry on with its operations. Certain demands were raised by the 2nd respondent Union during the month of June 2020. The matter was referred to the Conciliation Officer, Vellore. An attempt was made to conciliate the dispute between the parties but however, the same ended in a failure and a failure report was submitted by the Conciliation Officer to the Government through proceedings dated 25.08.2020.

3.It is brought to the notice of this Court that the Government after taking note of the failure report given by the Conciliation Officer, issued Government Order No.648, dated 22.12.2020 and referred two issues for adjudication to the Industrial Disputes Court. The Government also issued Government Order No.449, dated 22.12.2020 and refused to refer one of the dispute to the Industrial Disputes Court. Thereby, two demands made by the 2nd respondent Union is going to be decided by the Industrial Disputes Court.

4.In the meantime, the petitioner Company stopped the operations in the Factory at Ranipet and wanted to shift its assets from the premises and the same was resisted by the aggrieved workers. Therefore, the present Criminal Original Petition has been filed seeking for Police protection to remove the assets from the Factory premises.

5.Heard Mr.Sanjay Mohan, learned counsel appearing on behalf of the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the 1st respondent Police and Mr.V.Prakash, learned Senior Counsel appearing on behalf of the 2nd respondent Union.

6.On a careful consideration of the submissions made on either side and the materials available on record, it is seen that the petitioner Company had stopped the production in the Factory premises from March 2020 onwards. An attempt was made to transfer the employees to the other Units belonging to the petitioner Company and it was not accepted by many of the employees. That apart, an attempt was also made to settle the monetary benefits to the employees on a golden handshake policy and it was accepted only by some of the employees. The petitioner Company claims that the Factory has been closed down

and the 2nd respondent Union refutes this claim on the basis that there is no closure in the eye of law and it has not taken place as per the provisions of the Industrial Disputes Act. A substantial amount has also been claimed towards the settlement by the employees represented by the 2nd respondent Union.

7. An attempt was made by the Conciliation Officer to resolve the dispute and it ended in failure. The matter has now been referred by the Government to the Industrial Disputes Court for adjudication. The learned counsel for the petitioner submitted that the assets that are removed from the Factory will not be sold or disposed of and it will only be moved to the other Units and a proper inventory will be taken and the list of assets will also be submitted. The learned counsel further submitted that if the assets are kept idle, they will rust and become useless.

8. Per contra, the learned Senior Counsel appearing on behalf of the 2nd respondent Union raised a preliminary objection on the maintainability of the petition seeking for Police Protection under Section 482 of Cr.P.C. That apart, it was also contended that by removing all the assets from the Factory premises, nothing will be left for the workers and they will be left high and dry more particularly since a claim of nearly Rs.10 crores is made by them towards settlement.

9. A petition for Police Protection under Section 482 of Cr.P.C., is not maintainable. However, this Court has also been vested with jurisdiction under Article 226 of the Constitution of India to issue writs on the criminal side. Therefore, the only issue that requires consideration is as to whether this Court should exercise its discretion and issue directions to the respondent Police to grant Police Protection in order to enable the petitioner to move the assets from the Factory premises.

10. Considering the claims made by the aggrieved employees represented by the 2nd respondent Union and also taking into consideration the fact that the Government has already referred the dispute to the Industrial Disputes Court for adjudication and substantial rights of the parties are involved to be adjudicated by the Industrial Disputes Court, this Court is of the considered opinion that this is not a fit case to exercise its discretion and provide for Police Protection to remove the assets from the Factory premises. Such removal of assets from the Factory premises may have a bearing on the claims made by the employees represented by the 2nd respondent Union. Therefore, the Police should not be involved in a case of this nature where there is an Industrial dispute pending adjudication. Hence, this Court is not inclined to grant the

relief as claimed by the petitioner Company and accordingly,
this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Inspector of Police,
Law and Order,
Ranipet Police Station,
Ranipet-632401.

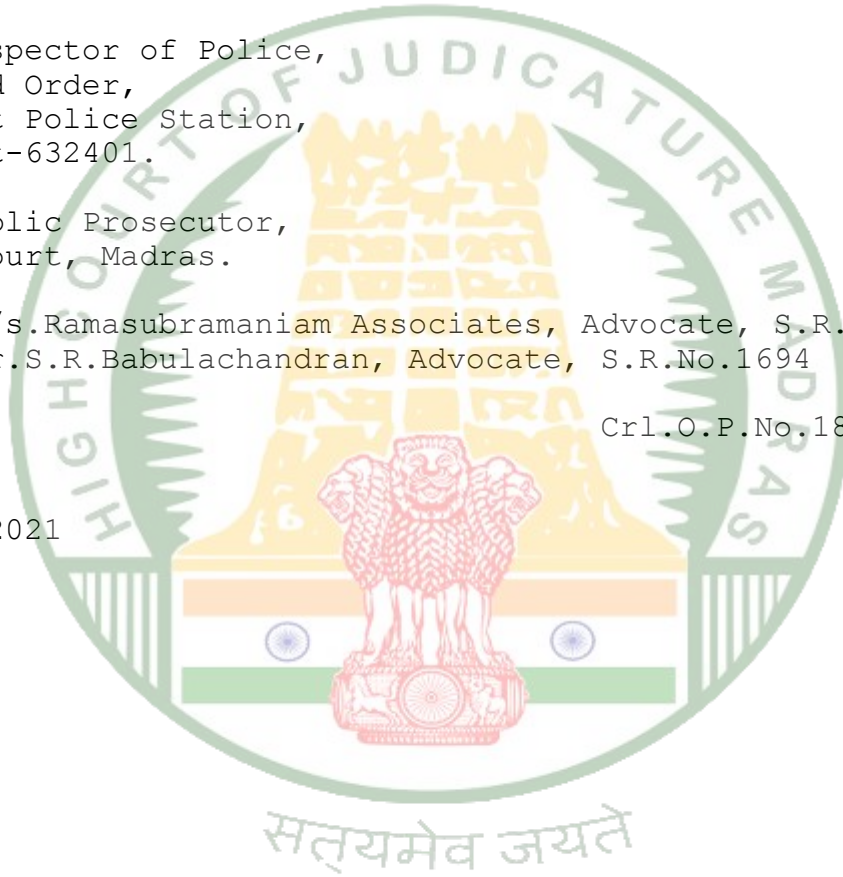
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Ramasubramaniam Associates, Advocate, S.R.No.1754

+1cc to Mr.S.R.Babulachandran, Advocate, S.R.No.1694

Crl.O.P.No.18411 of 2020

MD(CO)
CS/10/02/2021



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