

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.14962 OF 2022

AND

W.M.P.NOS.14184 & 14188 OF 2022

Ford India Private Limited,
Represented by their authorized signatory
S.P.Koil Post, Maraimalai Nagar,
Chengalpattu-603204,
Tamil Nadu

...Petitioner

Vs.

1.The Commissioner of Police (Tambaram)
Police Commissioner Office,
42/1, Medavakkam Main Road,
Sholinganallur,
Chennai - 600119.

2.The Inspector of Police
H-3 Maraimalai Nagar Police Station,
Kancheepuram - 603209

3.Chennai Ford Employees Union,
S.P.Koil Post, Maraimalai Nagar
Chengalpattu,
Tamil Nadu-603204

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd Respondent to provide Police Protection to the Petitioner's industry / premises to run peacefully with its staff and willing employees and to suitably prevent the 3rd Respondent, its members, men, agents, supporters or representatives from illegally assembling or gathering within a radius of 500 meters from the Petitioners premises and further preventing the 3rd Respondent, its members, men, agents, supporters or representatives from preventing and/or obstructing ingress and egress into the Petitioners factory of men and material including movement of vehicles.

For Petitioner : Mr.AL.Somayaji, Senior Counsel
For P.Vinod Kumar

For R1 & R2

: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Writ Petition is filed seeking for a direction, directing the 1st and 2nd Respondent to provide Police Protection to the Petitioner's industry / premises to run peacefully with its staff and willing employees and to suitably prevent the 3rd Respondent, its members, men, agents, supporters or representatives from illegally assembling or gathering within a radius of 500 meters from the Petitioners premises and further preventing the 3rd Respondent, its members, men, agents, supporters or representatives from preventing and/or obstructing ingress and egress into the Petitioners factory of men and material including movement of vehicles.

2.It is the contention of the learned counsel for the petitioner that the petitioner is a subsidiary of Ford Motor Company, a company based in Delaware U.S.A. The 3rd respondent is a trade union registered under the Trade Union Act, 1926 with registration No.533/KPM. Due to significant accumulated losses and inability to find a sustainable path forward, the petitioner company decided to work closely with the employees and related stakeholders and made an announcement to that effect to the employees. The petitioner also undertook several rounds of negotiations, discussions with the office bearers of the 3rd respondent, to arrive at reasonable and balance severance package for the employees. Despite the petitioner's conciliatory approach, there have been several instances of non-cooperation by the employees who are the members of the 3rd respondent Union. Since the date of aforesaid announcement, there have been several instances of protest marches, demonstrations, illegal strikes and stoppage of production by the employees and they are placing unrealistic demands which were not capable of being met and are way beyond the industry standard. Thereby, the members of the 3rd respondent union are agitating the same and at the instigation of the union members, other employees are squatting the petitioner's factory by assembling illegally and also preventing, obstructing the ingress and egress into the Petitioners factory of men and material including movement of vehicles. He added that despite repeated representations, the respondent police have not taken any action to prevent the same. Hence seeking for a direction to provide police protection to the petitioner's factory.

3.Learned Additional Public Prosecutor appearing for the respondent would submit that as on date there is no agitation. Whereas it is disputed by the petitioner.

4.It is to be noted that the employees who are agitated for their rights or descends to the decision of the Management cannot prevent other workmen and they have no right to cause damage to the property. If they want to show their protest in a democratic way, they can do it after obtaining permission from the concerned jurisdictional police and fix a place that was ear marked for such democratic protest. One cannot take the law and order in their own hands to prevent the production / business of others under the pretext of their right.

5.Hence this Court is of the view that whenever there is any unlawful activities by the section of the employees preventing other workmen of the petitioner's factory, it is the duty of the police to ensure that the property of the petitioner's factory is not damaged and to ensure that the Petitioner's industry / premises runs peacefully with its staff and willing employees and suitably prevent the agitating members, men, agents, supporters or representatives from illegally assembling or gathering inside the factory premises and also to ensure that the ingress and egress into the Petitioners factory of men and material including movement of vehicles as per law.

6.Subject to the above observations, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

kas

1.The Commissioner of Poilce (Tambaram)
Police Commissioner Office,
42/1, Medavakkam Main Road,
Sholinganallur, Chennai - 600119.

2.The Inspector of Police
H-3 Maraimalai Nagar Police Station,
Kancheepuram - 603209

3.The Public Prosecutor
Madras High Court
Chennai 600 104.

+1cc to Mr.Vinodkumar, Advocate Sr.No.36314

W.P.No.14962 of 2022

VG-II(CO)
RVM(29/06/2022)