



W.P.No.22090 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22090 of 2013 and
MP.No.1 of 2013

Midas Retread Tyre Company
Oozhiyargal Sangam,
Regd.No.1062 RTU/97,
Rep. by its General Secretary,
Keezhavanjore, T.R.Pattinam,
Karaikal, UT of Puducherry

... Petitioner

Vs.

1. Government of Puducherry,
Rep. by its Secretary to Government,
Department of Labour,
Chief Secretariat, Puducherry
2. The Presiding Officer,
Labour Court,
Government of Puducherry,
Karaikal 609 602
3. The Senior Superintendent of Police,
Department of Police,
Karaikal, UT of Puducherry
4. The Management Group of
Midas Retread Tyre Company,
Keezhavanjore, Nagore P.O.
Karaikal, UT of Puducherry

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the third respondent



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not to deploy their police force to the fourth respondent company situated at Keezhavanjore, Nagore P.O., Karaikal, Union Territory of Puducherry in order to continue with the illegal lockout and simultaneously pass orders under Section 10(3) of the Industrial Disputes Act, 1947 prohibiting the aforesaid partial lockout in the third respondent Mills which has been in existence since 20.04.2012 within the time frame stipulated by this Court.

For Petitioner : Mr.V.Govardhanan

For Respondents

For R1 & 3 : Mr.K.H.Ravikumar,
Government Advocate

For R4 : No appearance

R2 : Court

ORDER

This writ petition has been filed for direction to the third respondent not to deploy police force to 4th respondent in order to continue with the illegal lockout.

2. The petitioner / union have been demanding job security, house rent and petrol allowance. As a counter blast, the fourth respondent laid off 140 workers without taking permission under Section



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25M of Industrial Disputes Act, 1947, which requires prior permission if hundred or more workers are employed. Therefore, the petitioner / Union raised Industrial Disputes questioning the illegal lay off. Without participating in the conciliation proceedings, on 20.04.2012, the fourth respondent declared a lockout. It was illegal and no notice was served on the petitioner as contemplated under section 23(a) of Industrial Disputes Act. Therefore the petitioner raised Industrial Dispute against the Lockout on 25.04.2012. On 08.08.2012, failure report was referred before the second respondent and it is pending in ID.No.77 of 2012. In so far as Lockout is concerned, the petitioner filed claim petition in CP.No.21 of 2012 under section 33(c)(2) of Industrial Disputes Act before the Labour Court, Karaikal claiming wages for the period of illegal lockout. In the meanwhile, the 4th respondent lifted lock out and allowed only 36 workers out of 140 workers to come for work.

3. The fourth respondent engaged third respondent during the lockout. Therefore, the petitioner made representation to the third respondent not to deploy any police force for the fourth respondent.



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However, the said request cannot be considered since police protection can be provided depending upon the situation prevailing over there. Therefore, the third respondent is directed to consider the request, if any made by the fourth respondent, to provide police protection, depending upon any fresh cause of action.

4. With the above direction, this writ petition is disposed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary to Government,
Government of Puducherry,
Department of Labour,
Chief Secretariat, Puducherry
2. The Presiding Officer,
Labour Court,
Government of Puducherry,
Karaikal 609 602
3. The Senior Superintendent of Police,
Department of Police,
Karaikal, UT of Puducherry
4. The Management Group of
Midas Retread Tyre Company,
Keezhavanjore, Nagore P.O.
Karaikal, UT of Puducherry
5. The Public Prosecutor,
High Court, Madras.

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