

W.P.No.26548 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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RESERVED ON : 16.04.2025
PRONOUNCED ON : 29.05.2025

PRESENT:

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

W.P.No. 26548 of 2021
and
W.M.P.Nos. 28003 and 28004 of 2021

M/s. Hindusthan National Glass & Industries Ltd
Formerly M/s. ACE Glass Containers Ltd
Duly Represented by its General Manager Mr.K.Saravanan
Thondamanatham Village, Villianur
Sedarapet Main Road,
Puducherry – 605 502
....Petitioner

Vs.

1.The Superintendent of Police,
Valuthavor Road, Mettupalayam,
Puducherry – 605 009.

2. The Inspector of Police,
Sedarapet Police Station,
Mailam Main Road, Sedarapet,
Puducherry – 605 111

3. The Labour Officer (Conciliation), Puducherry,
Office of the Labour Officer Conciliation,
No.15, 1st Floor, Nehru Nagar,
Puducherry – 605 001.

4.Hindusthan National Glass Employees



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Welfare Union-INTUC
Regn. No.1863 / RTU / 2020
Affiliated to Tamil Nadu INTUC
Sedarapet Road,
Thondamanatham & Post
Puducherry – 605 502.

5. HNG Industries Thozhilar Nala Sangam,
(CITU) RTU Regn. No. 1802 / 2016, Thondamanatham
42, Cuddalore Road, Bharathi Mill Thittu,
Mudaliarpet, Puducherry – 605 004.

...Respondents

Prayer in W.P.

To issue a Writ, Order or Direction in the nature of writ of mandamus or any other appropriate writ or order or direction in the nature of a writ directing the 1st & 2nd Respondent to provide adequate police protection to the Petitioner's Company in order to protect the property and life of the employees of the Petitioner Company and preventing the members of the 4th and 5th Respondent their members, agents, representatives or any other person representatives or any other person acting at their behest from in any way preventing the permanent workmen, loyal staff and officers, managers, directors, contract workmen, advisors, visitor of the petitioner by in any way interfering with the day-to-day production and maintenance activities of the petitioner factory and also preventing the movement of finished goods of the petitioner by staging any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, within 500 meters in an around the petitioner's factory premises viz., M/s. Hindusthan National Glass & Industries Ltd Formerly M/s. ACE Glass Containers Ltd located at Thondamanatham village, Villianur, Sedarpet Main Road, Puducherry – 605 502 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of



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the case.

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Prayer in W.M.P.No. 28003 of 2021

To grant an order of interim injunction restraining the 4th and 5th respondent Union, their members, agents representatives or any other person representatives or any other person acting at their behest from in any way preventing the permanent workmen, loyal staff and officers, managers, directors, contract workmen, advisors, visitor, of the petitioner by in any way interfering with the day-to-day production and maintenance activities of the petitioner factory and also preventing the ingress and egress out of the movement of finished goods of the petitioner by staging any form of protects by hoisting flags, by gheraoing, conducting any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form within 500 meters in an around the petitioner's factory premises viz., M/s. Hindusthan National Glass & Industries Ltd Formerly M/s. ACE Glass Containers Ltd located at Thondamanatham Village, Villianur, Sedarapet Main Road, Puducherry – 605 502 pending disposal of the aforesaid writ petition.

Prayer in W.M.P.No. 28004 of 2021

To grant an order of directing the 1st and 2nd Respondent to provide necessary protection in restraining the members of the 4th and 5th respondent by staging any form of protects by hoisting flags, by gheraoing, conducting any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, within 500 meters in an around the petitioners factory



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premises viz., M/s. Hindustan National Glass and Industries Ltd formerly M/s. ACE Glass Containers Ltd Located at Thondamanatham village, Villianur, Sedarapet Main Road, Puducherry – 605 502. Villianur as the same is illegal and contrary to the petitioners standing orders pending disposal of the aforesaid writ petition.

Appearance of Parties:

For Petitioner : Mr.D.Ferdinand, Advocate,
For M/s.BFS Legal
For Respondents 1, 2 & 3 : Mr.Ramasamy Maiyappan, Government Advocate.
For Respondent 4 : No appearance.
For Respondent 5 : M/s. Row & Reddy. (No appearance).

J U D G M E N T

Heard.

2.This is the third round of litigation initiated by the petitioner company within the last three years. In each instance, the company's approach before this Court appears to be aimed at exerting pressure on the workers by invoking judicial orders, characterising their industrial action as a law and order issue. Under the guise of seeking restraint on the actions of the workmen, the company has, in effect, sought to curtail legitimate trade union activities. What



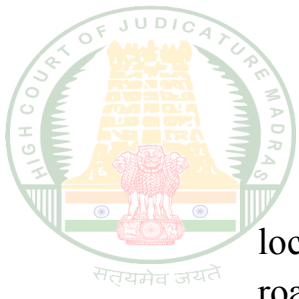
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is essentially a civil dispute is thus projected as a criminal issue, and the alleged

failure of the police to provide adequate protection is cited as a ground for seeking police intervention.

3.The first round of litigation was initiated through W.P. No. 8845 of 2020, wherein the petitioner named the very same respondent and sought the following relief: –

“Writ Petition filed under section 226 of constitution of India, Writ of Mandamus directing the first and second respondent to provide adequate police protection to the petitioner's company in order to protect the property and life of the employees of the petitioner's company and by preventing the members of the fourth and fifth respondent their members, agents representatives or any other person acting at their behest from in any way preventing the permanent workmen Loyal staff and Officers, Managers, Directors, Contract workmen, Advisors, Visitors of the petitioner by in any way interfering with the day to day production and maintenance activities of the petitioner's factory and also preventing the movement of finished goods of the petitioner by staging any form of protests by hoisting flags, by gheraoing, conducting any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, within 500 meters in an around the petitioner's factory premises viz., M/s Hinduthan National Glass & Industries Ltd Formerly M/s.ACE Glass containers Ltd



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located at Thondamanatham village, Villianur, Sedarapet Main road, Puducherry-605 502.”

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4. During the pendency of the writ petition, the petitioner obtained an ex parte interim injunction in W.M.P. No. 10745 of 2020, which effectively granted the same relief as prayed for in the main petition. After the union entered appearance, the main writ petition was disposed of by order dated 12.08.2020. The Court passed the following directions: –

“2. The learned Senior counsel for the petitioner and learned counsel for the fourth and fifth respondents represented that there is a possibility for settlement between the petitioner and fourth and fifth respondents and they are ready to go before the conciliation Officer namely the Additional Secretary (Labour), Puducherry.

3. Heard Mr.N.R.Rajah, learned Senior Counsel appearing for the petitioner, Mr.V.Balamurugane Additional Public Prosecutor Puducherry appearing for the respondents 1 to 3, Mr.G.Jermemiah learned counsel appearing for the 4th respondent and Mr.A.P.Sathyamurthy appearing for the 5th respondent.

4. Considering the above submissions made by counsel on record, the petitioner and the fourth and fifth respondents are directed to approach for conciliation. Mr.E.Vallavan, Additional Secretary of Labour, Puducherry, is directed to conduct enquiry and explore the possibility of settlement between the parties as expeditiously as possible. However, in the meanwhile the



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interim injunction against the fourth and fifth respondents within 200 meters in an around the petitioner's factory premises viz., M/s Hinduthan National Glass & Industries Ltd Formerly M/s.ACE Glass containers Ltd located at Thondamanatham village, Villianur, Sedarapet Main road, Puducherry-605 502 shall continue for a period of eight weeks from the date on which the order copy made ready.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.”

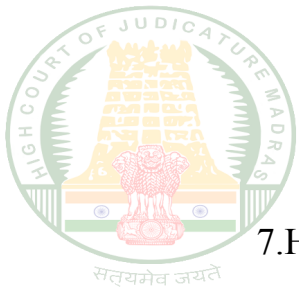
5.It is significant to note that the injunction sought against the workers from assembling within 500 meters of the factory premises was not granted in full. Instead, the restriction was limited to a 200-meter radius and was made operative only for a period of eight weeks from the date of the order. The immediate provocation for filing the earlier writ petition appears to have been the issuance of a notice dated 24.06.2020 by the 4th respondent trade union, urging the management to refrain from acts of victimisation and indicating their decision to adopt a “work-to-rule” approach from 19.06.2020. Notably, on the very next day, the management proceeded to suspend several union activists—namely, V. Ramasamy, G. Jayaraman, R. Saran, and R. Jayakrishnan—on the



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allegation that they were deliberately reducing production and causing losses to the company.

6.The 5th respondent trade union also issued similar notices, which resulted in conciliation proceedings before the Deputy Labour Commissioner-cum-Conciliation Officer. The Conciliation Officer ultimately issued a failure report dated 31.05.2021. Meanwhile, the 5th respondent union addressed a letter dated 16.10.2021, asserting that all workers had joined their union and, accordingly, requested the management to initiate negotiations with them. However, the petitioner management, instead of engaging in dialogue, addressed a letter to the Inspector of Police, Sedarapet Police Station, stating that certain suspended employees were involved in picketing and obstructing the movement of vehicles and materials. In support of their claim, the petitioner also referred to the order passed in W.P. No. 8845 of 2020, wherein this Court had restrained the workmen from staging protests within 200 meters of the factory premises. It is pertinent to note that the said order had been passed on 12.08.2020 and was limited in operation to a period of eight weeks, thus having lapsed by 11.10.2020.



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7.However, in the very same letter dated 02.01.2021, the management also informed the first respondent police about the modification of the earlier court order, stating as follows:

“Subsequently the said order was modified that the workmen should not conduct any agitation or dharna within 100 meters from the factory premises. The above-mentioned writ petition was disposed of on 12.08.2020 with specific direction to the complainant company and the workmen attend conciliation proceedings before the Labour Officer (Conciliation), Pudhucherry.”

8.This Court called for the original records relating to W.P. No. 8845 of 2020 and found that no modification of the order dated 12.08.2020 had been made, as claimed by the petitioner. It is thus evident that the petitioner company made a statement that is contrary to the factual record. Following the issuance of the above-mentioned letter, the petitioner proceeded to file a second writ petition—W.P. No. 26548 of 2021—on 08.12.2021, once again seeking identical relief as in the earlier writ petition.

“To issue a Writ, Order or Direction in the nature of writ of mandamus or any other appropriate writ or order or direction in the nature of a writ directing the 1st & 2nd Respondent to provide adequate police protection to the Petitioner’s Company in order to protect the property and life of the employees of the Petitioner



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Company and preventing the members of the 4th and 5th Respondent their members, agents, representatives or any other person representatives or any other person acting at their behest from in any way preventing the permanent workmen, loyal staff and officers, managers, directors, contract workmen, advisors, visitor of the petitioner by in any way interfering with the day-to-day production and maintenance activities of the petitioner factory and also preventing the movement of finished goods of the petitioner by staging any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, within 500 meters in an around the petitioner's factory premises viz., M/s. Hindusthan National Glass & Industries Ltd Formerly M/s. ACE Glass Containers Ltd located at Thondamanatham village, Villianur, Sedarpet Main Road, Puducherry – 605 502 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

9.The above matter was listed for admission on 14.12.2021. As there was no representation on behalf of the Union Territory, this Court directed issuance of notice to the Chief Secretary, Union Territory of Puducherry, calling for an explanation as to why competent counsel were not being appointed to represent the Union Territory before this Court. Subsequently, when the matter was taken up on 21.12.2021, the Court passed the following order: –

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“It is represented by Mr.R.Balamurugan, learned Additional Government Pleader appearing for R1 and R2 that if the petitioner approaches them for providing police protection and on being satisfied, they are willing to provide necessary protection.

2. In view of the aforesaid submission, it is up to the petitioner to approach the respondents and seek whatever relief they need from R1 and R2

3.List on 06.01.2022”

10.When the matter was next listed on 02.02.2022, it was directed to be posted on 28.02.2022. However, the case was not listed on that date. Subsequently, when it came up on 05.11.2024, it was directed to be posted in the usual course. It has now become apparent why the petitioner company did not actively pursue the writ petition—particularly given that no interim relief, as sought, was granted. Notably, the petitioner also failed to approach the police as suggested in the earlier writ proceedings.

11.On the contrary, while the present writ petition remained pending adjudication, the petitioner company filed a third writ petition—W.P. No. 30379



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of 2022—seeking identical relief. The relief sought in that petition is as

WEB follows:

“This Writ Petition filed under Article 226 of Constitution of India, to issue writ of Mandamus, directing the first and second respondent to provide adequate police protection to the petitioner's company in order to protect the property and life of the employees of the petitioner company and by preventing the members of the fourth and fifth respondent their members, agents, representatives or any other person representatives or any other person acting at their behest from in any way preventing the permanent workmen, loyal staff and officer, managers, directors, contract workmen, advisors, visitor of the petitioner by in any way interfering with the day to day production and maintenance activities of the petitioner factory and also preventing the movement of finished goods of the petitioner by staging any form of protests by hoisting flags, by gheraoing, conducting any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, within 500 meters in and around the petitioner's factory premises viz., M/S.Hindusthan National Glass & Industries Ltd formerly M/S.ACE Glass containers ltd., located at Thondamanatham Village, Villianur, Sedarapet Main Road, Puducherry 605 502.”

12.When the said writ petition was taken up for hearing, after notice to all parties including the trade union, counsel for the 5th respondent union brought to the Court's attention the pendency of the present writ petition and the fact that the petitioner had initiated a third writ petition seeking the same relief. This was duly noted by the learned Judge in paragraphs 3.1 and 3.2 of the order, which read as follows: –

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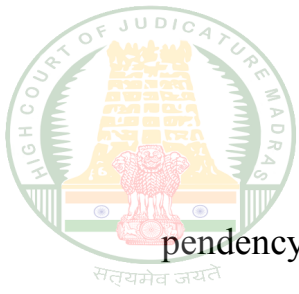
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“3.(i) In reply, learned counsel appearing for the fifth respondent submitted that the prayer seeking for police protection cannot be maintained as the petitioner company had already approached this Court in W.P.No.26548 of 2021. No interim order was granted in the said Writ petition and it is pending adjudication. When the petition is still pending, the present petition cannot be maintained. There is no wage settlement in the petitioner company since 2011. Workers Union issued a Charter of Demand to the Management, regarding long term basis settlement. Initially, petitioner agreed to consider the demands of the Union. Later, suspended four victim workers.

3.(ii)The Labour Union raised dispute relating to wage revision before the third respondent. The third respondent submitted failure of conciliation report on 31.05.2021. Petitioner company referred the dispute to the Labour Court Puducherry and it is pending adjudication. In violation of Section 33 of Industrial Dispute Act, petitioner company altered the service conditions of the permanent workmen by declaring illegal lock out for them. Fifth respondent raised Union Industrial Dispute with regard to declaration of lock out to the permanent workmen for the members of the fifth respondent union. The said dispute is pending adjudication. Puducherry Government issued orders under Section 10(3) of the Industrial Dispute Act, 1947 to prohibit the continuance of lock out vide Order dated 05.10.2022. When the union requested the petitioner company to take back workmen, they refused to do the same. Without resolving the problem of the workmen, the petitioner is repeatedly approaching the Court with similar prayers. Hence, prays to dismiss this petition. He relied on the following orders in support of his submission.”

13.It is rather unfortunate that, despite the statement made regarding the



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pendency of the present writ petition, the petitioner did not take steps to have

WEB this earlier petition listed and heard first, before proceeding to file and argue a fresh writ petition on the same cause of action. Likewise, the learned Judge, without calling for the records of the present writ petition—which involved an identical issue—proceeded to dispose of the third writ petition, W.P. No. 30379 of 2022, by order dated 03.01.2023. In that order, the learned Judge observed as follows: –

“7. It is to be noted that the workmen who are agitating for their rights or demands against the Management, cannot prevent other workmen from working. If they want to show their protest in a democratic way, they can do it after obtaining proper permission from the concerned jurisdictional police at a place that was earmarked for such democratic protest.

8. Taking into consideration of all these aspects, this Court directs the respondents 4 and 5 to conduct protest beyond 100 meters away from the petitioner company premises in a lawful and peaceful manner. If there is any violent, illegal or unlawful activities committed by the striking workmen, it is the duty of the respondents 1 & 2 to prevent it and ensure that the property and life of the employees of the petitioner company is protected; that the workmen, staff, contract workers are not prevented by the striking workmen, from entering the petitioner company and that vehicle movement is not obstructed.



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9. With the above direction, this Writ Petition stands disposed of.”

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14. Since the petitioner company referred to the earlier order passed in W.P. No. 8845 of 2020 but made no mention of the third writ petition, W.P. No. 30379 of 2022 dated 03.01.2023, this Court deemed it necessary to examine the original records in W.P. No. 8845 of 2020. Accordingly, the Registry was directed to circulate the original bundle, and the present case was posted for orders on 09.04.2025. On that day, counsel for the petitioner sought permission to withdraw the writ petition. However, this Court directed that a written request be filed to that effect and adjourned the matter to 16.04.2025.

15. On 16.04.2025, counsel for the petitioner filed a memo enclosing a copy of the order dated 03.01.2023 passed in W.P. No. 30379 of 2022. In the said memo, the petitioner made the following statement: –

“It is submitted that in view of the above mentioned order dated 03.01.2023 (wrongly typed as 03.01.20201) in same WP No. 30379 of 2022, this Hon’ble Court may be pleased to take the said order and the present Writ Petition can be disposed.”

16. Although counsel had initially submitted on 07.04.2025 that the



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petitioner wished to withdraw the writ petition, and this Court accordingly

directed the filing of a memo, it is evident that the memo subsequently filed is not one seeking withdrawal. On the contrary, it seeks disposal of the present writ petition in terms of the order passed in the third writ petition. Such conduct is neither fair nor acceptable. Rather than expressing any remorse or offering a candid explanation, the petitioner has brazenly sought disposal of the present writ petition based on a subsequent petition that was filed surreptitiously, despite the pendency of the current proceedings in which interim relief had already been declined at the admission stage.

17.The conduct of the petitioner company in repeatedly filing writ petitions in industrial matters—without first approaching the police with a proper complaint in respect of any alleged criminal conduct—reflects a misuse of the writ jurisdiction. Instead of availing the appropriate remedies, the petitioner has consistently approached this Court seeking restraint orders against the workmen, as though such directions ought to be granted as a matter of routine.

18.In this context, it is relevant to note that even the practice of filing



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successive bail applications without any change in circumstances has been disapproved by the Supreme Court. It has further been suggested that any subsequent bail application should, as a matter of judicial discipline, be placed before the same judge who heard the earlier application. This principle was laid down in **Shahzad Hasan Khan v. Ishtiaq Hasan Khan, reported in (1987) 2 SCC 684**, where the Court observed as follows: –

“The convention that subsequent bail application should be placed before the same Judge who may have passed earlier orders has its roots in principle. It prevents abuse of process of court in as much as an impression is not created that a litigant is shunning or selecting a court depending on whether the court is to his liking or not, and is encouraged to file successive applications without any new factor having cropped up. If successive bail applications on the same subject are permitted to be disposed of by different judges there would be conflicting orders and a litigant would be pestering every judge till he gets an order to his liking resulting in the creditability of the court and the confidence of the other side being put in issue and there would be wastage of courts' time. Judicial discipline requires that such matter must be placed before the same judge, if he is available for orders.”

19. The practice of filing successive writ petitions based on whether relief was granted or denied has also been disapproved by the Supreme Court. In **State of Maharashtra v. Captain Buddhikota Subha Rao, reported in 1989 SCC (Supp) (2) 605**, the Court observed as follows:



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“It is necessary to act with restraint and circumspection so that the process of the Court is not abused by a litigant and an impression does not gain ground that the litigant has either successfully avoided one Judge or selected another to secure an order which had hitherto eluded him. In such a situation the proper course, we think, is to direct that the matter be placed before the same learned Judge who disposed of the earlier applications. Such a practice or convention would prevent abuse of the process of court inasmuch as it will prevent an impression being created that a litigant is avoiding or selecting a court to secure an order to his liking. Such a practice would also discourage the filing of successive bail applications without change of circumstances. Such a practice if adopted would be conducive to judicial discipline and would also save the Court's time as a Judge familiar with the facts would be able to dispose of the subsequent application with despatch. It will also result in consistency. In this view that we take we are fortified by the observations of this Court in paragraph 5 of the judgment in [Shahzad Hasan Khan v. Ishtiaq Hasan Khan](#), [1987] 2 SCC 684. For the above reasons we are of the view that there was no justification for passing the impugned order in the absence of a substantial change in the fact situation. That is what prompted Shetty, J. to describe the impugned order as 'a bit out of the ordinary'. Judicial restraint demands that we say no more.”

20. In the present writ petition, when the matter was taken up on 21.12.2021, this Court recorded the assurance given by the learned Additional Government Pleader that, if the petitioner approached the authorities seeking police protection and if the request was found to be genuine, the authorities

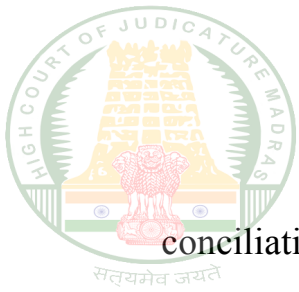


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would consider providing appropriate protection. It was further clarified that it

was open to the petitioner to approach respondents 1 and 2 for any necessary relief. Prior to filing the present writ petition, the only communication sent by the petitioner was a letter dated 02.01.2021 addressed to respondent no. 2, with a copy marked to respondent No. 1. In that letter, the petitioner merely requested removal of the obstructing workmen from the factory premises and sought general police protection; however, no specific allegations were made regarding any cognizable offence committed by the protesting workmen. Thus, the letter lacked any concrete complaint of unlawful conduct that would justify invoking the extraordinary jurisdiction of this Court.

21. Pursuant to the notice issued by this Court, the first respondent—Superintendent of Police—filed a counter affidavit. In that affidavit, it was stated that following the issuance of the failure report, the Union Territory of Puducherry, by order in G.O. Rt. No. 82/AIL/Lab/T/2021 dated 14.12.2021, issued by the Labour Department, had referred the charter of demands raised by the union for adjudication before the Labour Court, Puducherry, and that the matter was currently pending. The reference also included the dispute concerning 46 workmen who were terminated during the pendency of



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conciliation. Paragraphs 2 to 4 of the counter affidavit further stated as follows:

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“2. But labourers were warned by police about the epidemic situation and pending conciliation at Labour department and hence not a single incident had happened from the day one to November 2021.

3. After several sittings of conciliation, on 31.05.2021, Deputy Labour Commissioner had filed a Failure report of conciliation to the Labour Secretary. Neither the company nor the Labour Union had approached the Labour Court after the failure report from Deputy Labour Commissioner. Meanwhile INTUC union had totally dissolved and all the agitating labourers had joined CITU. On 22.11.2021 CITU had given a letter seeking permission for conducting picketing on 25.11.2021 before the HNGL Company. However permission was refused to them and preventive arrest of 97 persons were effected on 25.11.2021, while they moved towards the company. But company activities had not at all been restrained at any cost.

4. CITU union had again given a letter on 29.11.2021 seeking permission for performing locking of gate of the company on 07.12.2021 alleging that company had given lock out notice to the labourers, but production was still going on with the help of contract labourers. But at the last moment, CITU union had withdrawn their proposed agitation. As of now there are no issues around the company. If any such credible information is received, necessary action will be taken as per law.”

22.In the present writ petition, apart from sending a letter dated 02.01.2021 to respondents 1 and 2 and enclosing a newspaper clipping from an unidentified publication, the petitioner made no allegation suggesting the



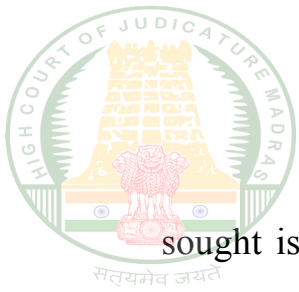
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likelihood of any cognizable offence occurring either within or outside the factory premises that would warrant police intervention or criminal action against the workers. In the absence of any specific pleadings to support the relief sought, the learned Judge merely recorded the assurance given by the learned Additional Government Pleader and directed the petitioner to approach respondents 1 and 2 for appropriate relief. The counter affidavit filed by respondent 2 categorically states that no untoward incident occurred from the outset until November 2021. It was further stated that the fifth respondent union had withdrawn its proposed agitation, and there were no ongoing issues around the company. The affidavit also confirmed that any credible information received would be acted upon in accordance with law.

23.However, in the memo filed by the petitioner's counsel dated 16.04.2025, the following averment was made in paragraph 2: –

“It is submitted that subsequent to the filing of the Writ Petition the Petitioner company had filed another writ petition WP.No. 30379 of 2022, in view of the subsequent cause of action and incident which had occurred thereafter.”

24.However, in the third writ petition, W.P. No. 30379 of 2022, the relief



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sought is almost identical to that in the present writ petition as well as in the

earlier W.P. No. 8845 of 2020. A perusal of the order dated 03.01.2023 in W.P.

No. 30379 of 2022 (particularly paragraph 3, as extracted above) reveals that,

following the reference of the dispute, the Government of Puducherry had

prohibited the continuous lockout declared by the petitioner company with

effect from 05.10.2022. This clearly indicates that the management had violated

the statutory provisions of the Industrial Disputes Act.

25. In the absence of any allegation of a cognizable offence—such as obstruction of ingress or egress—the petitioner company must seek appropriate relief through a civil action before a competent civil court. Even in such proceedings, it is pertinent to note that Section 18 of the Trade Unions Act, 1926, provides immunity to trade unions from certain types of civil suits.

Section 18 reads as follows: –

“Immunity from civil suit in certain cases. —

(1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any office-bearer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a



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member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union.”

26. In the present case, absent any specific allegation or complaint lodged with the police regarding the commission of a cognizable offence by any individual or group, the vague and general assertions made by the petitioner management are clearly unsustainable. The Supreme Court has already expressed concern over the growing tendency to convert civil disputes into criminal cases and has cautioned against such misuse of legal process. This was emphasised in **Indian Oil Corporation v. NEPC India Ltd., reported in (2006) 6 SCC 736**, wherein the Court observed as follows: –

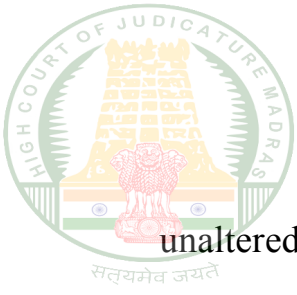
“While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a



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tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged.”

27.While the present writ petition remained pending and the learned Single Judge had declined to grant any interim relief—merely directing the petitioner to approach the police for appropriate recourse—and in view of the categorical statement of the first respondent Superintendent of Police that no untoward incident had occurred from Day 1 to November 2021, any genuine urgency on the part of the petitioner ought to have been addressed either by filing an appropriate interlocutory application for interim relief or by seeking early disposal of the main writ petition. However, the subsequent filing of a fresh writ petition on the basis of what is claimed to be a new cause of action, without any substantial change in facts or reliefs sought, gives rise to an impression that the attempt may have been to indirectly secure a change in the roster or to have the matter placed before another Bench—an approach that this Court cannot endorse. The filing of a second writ petition during the pendency of the first, particularly where the cause of action remains largely



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unaltered and the reliefs substantially overlap, is procedurally inappropriate.

Furthermore, reliance now sought to be placed on an order obtained in the subsequent writ petition to influence the adjudication in the present one only compounds the irregularity.

28.In view of the above, this writ petition is found to be an abuse of the process of the Court and is clearly vexatious in nature. Accordingly, W.P. No. 26548 of 2021 stands dismissed. The connected W.M.Ps. are also dismissed. The petitioner is directed to pay costs of Rs. 50,000/- to the 5th respondent trade union for having initiated this frivolous and unwarranted litigation.

29.05.2025

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NCC : Yes / No

Index : Yes / No

Speaking Order / Non-speaking Order

To

25/28

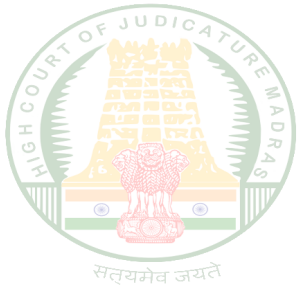


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1. The Superintendent of Police,
Valuthavor Road, Mettupalayam,
Puducherry – 605 009.

2. The Inspector of Police,
Sedarapet Police Station,
Mailam Main Road, Sedarapet,
Puducherry – 605 111

3. The Labour Officer (Conciliation), Puducherry,
Office of the Labour Officer Conciliation,
No.15, 1st Floor, Nehru Nagar,
Puducherry – 605 001.



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W.P.No.26548 of 2021

DR. A.D. MARIA CLETE, J

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Pre-Delivery Judgment made in
W.P.No. 26548 of 2021
and
W.M.P.Nos. 28003 and 28004 of 2021



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W.P.No.26548 of 2021

29.05.2025