

(2011) 02 DEL CK 0032

In the Delhi High Court

Case No : CS (OS) No. 833 of 2009

G4S Security Services (India) Pvt. Ltd.

APPELLANT

Vs

Group-4 Securicor Employees Welfare Association and Others

RESPONDENT

Date of Decision : 17-02-2011

Acts Referred:

Citation : (2011) 02 DEL CK 0032

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Sanjiv Bahl, Eklavya Bahl and Ajay Shekhar, for the Appellant; None, for the Respondent

Judgement

V.K. Jain, J.—This is a suit for permanent injunction. Defendants No. 1 to 3 are three separate unions of the employees of the plaintiff, which is engaged in the business of providing security services. It is alleged in the plaint that some employees, in connivance with the unions, started stopping the ingress and egress of the other employees and threatening to demonstrate in front of the offices/residences of the management. The plaintiff company was, therefore, constrained to file CS(OS) No. 1746/2006 wherein an interim injunction was granted restraining the Defendants from picketing within 100 meters from the gates of the offices and residences of officers of the plaintiff company and they were further restrained from blocking the ingress and egress of the staff and workers of the plaintiff company. That suit is still pending in this Court. It is further alleged that since new unions came up and they refused to abide by the aforesaid order, the plaintiff Company had to file another suit being CS (OS) No. 1555/2007 against them. That suit has been decreed by this Court restraining the Defendants from holding any demonstration, etc. within 100 meters from the gates of the offices of the plaintiff Company and the residences of its officers as also from holding any demonstration at Jantar Mantar in the uniform provided to them by the plaintiff Company. Similar interim relief was granted to the plaintiff company in CS (OS) No. 355/2009.

2. It is also alleged that the Defendants, which are not recognized by the plaintiff Company, have now started interfering in the affairs of the plaintiff Company and rising illegal demands including illegal out of turn promotion for its members. They gave a demand notice, which the plaintiff Company received on 4th May 2009, raising some illegal demands. A letter dated 4th May 2009 was issued by Defendant No. 1 to the Regional President of the plaintiff Company, threatening to hold demonstration and dharna at the residence on 11th May 2009. It is further alleged that the Defendants and their office bearers and members have also threatened to hold mammoth gathering coupled with procession, dharna and demonstration in front of the regional office of the plaintiff Company. They have also threatened to completely stop the work of the plaintiff Company. The plaintiff has accordingly sought permanent injunction restraining the Defendants, their office bearers, workers, etc. from shouting slogans, holding dharna, demonstration, etc. within a radius of 100 meters from the gates/boundary wall of the plaintiff company at the registered office at 16, Community Centre, C-Block, Janak Puri, New Delhi-110058, its corporate office at Panchwati, 82A, Sector 18, Gurgaon (Haryana) and the residence of its Regional President at Green Farm No. 1, Rajokri, Near Rajokri Red Light, New Delhi.

3. Defendants No. 1 and 3 were preceded ex parte. Defendant No. 2 filed written statement alleging therein that the plaintiff had no cause of action to file the suit against him. He further stated that he never believed in violence and never decided to go for a violent demonstration from 11th May 2009 onwards. However, when he appeared before this Court on 27th January 2011, he made a statement that he never participated in any demonstration, dharna, raising any slogan etc. and also gave an undertaking not to do so within a radius of 100 meters from various premises of the plaintiff as stated in the prayer clause to the plaint.

4. The plaintiff Company has filed affidavit of Mr. Sanjeev Kumar Taku, Senior Manger of the plaintiff Company. In his affidavit, Mr. Taku stated that the Defendants have been regularly interfering in the affairs of the plaintiff Company and have been raising illegal demands including out of turn promotion to its members. He further stated that the Defendants gave a notice which the plaintiff Company received on 4th May 2009 making various illegal demands. He further stated that Defendant No. 1 issued a letter to the Regional President of the plaintiff Company on 4th May 2009 threatening to hold a demonstration and dharna on 11th May 2009 and further threatened to intensify the agitation. According to him, the Defendants, their office bearers and members have further threatened to have mammoth gathering, procession, dharna and demonstration in front of the regional office of the plaintiff company and have further threatened to completely stop the work of plaintiff company besides stopping ingress and egress.

5. A perusal of the notice issued by Mr. Rajbir Singh Dhaka, General Secretary of Defendant No. 1 written to the Regional President of the plaintiff company shows

that Defendant No. 1 had demanded reinstatement of some employees and acceptance of certain other demands, failing which they were to hold indefinite dharna, demonstration, burning of effigies, etc. Copy of this notice was forwarded to police officers. A perusal of the letter written by the President and General Secretary of Defendant No. 2 to the plaintiff company would show that Defendant No. 2 had also decided to participate in the demonstration and dharna which Defendant No. 1 organized on 11th May 2009. The letter written by Mr. Hari Shankar, General Manager, Delhi region of Defendant No. 3 shows that Defendant No. 3 union had also decided to participate in the demonstration and dharna organized by Defendant No. 1 for 11th May 2009. The affidavit of Mr. Sanjiv Kumar Taku shows that in the past also, the Defendant held violent demonstration, used abusive language, blocked the ingress & egress and manhandled the officers and staff of the plaintiff-company, thereby posing imminent danger to their life and property.

6. It is well known that tempers run high when demonstrations of such nature are organized by a union of workers. It becomes really difficult to control the mob and there is a serious apprehension of breach of peace and law and order in case such demonstrations/dharnas are allowed to be held in the vicinity of the factory where the workers are employed. The property of the employer is usually made a target during such demonstrations. The visitors and the employees who do not support such demonstrations are also targeted and manhandled, in order to prevent them from entering to premises of its employer. The obvious purpose is to put pressure on to employer, by resort to unlawful and violent means, to give in to demand of the Union. There is a strong likelihood of the property being damaged, the visitors and those employees who do not side with the Union being manhandled and obstructed during their ingress to and egress from the premises of the employer, if such unlawful activities are allowed to be undertaken. In fact the business of the employer and functioning of its office and factory may come to a standstill, unless appropriate preventive directions are issued to a Union taking recourse to such methods. The personal safety of the visitors, managers and other workers may also be in jeopardy unless unlawful activities of this nature are appropriately curbed.

7. For the reasons given in the preceding paragraphs, the Defendants No. 1&3 are hereby restrained from holding any dharna, demonstration, gherao, etc. and shouting any slogans etc. within the radius of 100 meters from the registered office of the plaintiff company at 16, Community Centre, C-Block, Janak Puri, New Delhi-110058 its corporate office at Panchwati, 82A, Sector 18, Gurgaon (Haryana) as also at the residence of the Regional President of the plaintiff company at Green Farm No. 1, Rajokri, Near Rajokri Red Light, New Delhi. They are further restrained from preventing ingress to or egress from the above referred premises in any manner. They will also not obstruct any employee or any visitor from entering any of these premises or coming out of them. As far as Defendant No. 2 is concerned, he will remain bound by the undertaking given to the Court on 27th January 2011.

Decree sheet be drawn accordingly.