
(2008) 03 DEL CK 0048
In the Delhi High Court
Case No : CS (OS) 1555 of 2007

G4S Security Services (India) Pvt. Ltd.	APPELLANT
Vs	
Group 4 Securicor Mazdoor Union (Affl. Citu) and Others	RESPONDENT

Date of Decision : 26-03-2008

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2

Citation : (2008) 03 DEL CK 0048

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : Sanjiv Bahl, for the Appellant; Ex parte, for the Respondent

Judgement

Badar Durrez Ahmed, J.—The plaintiff is a private limited company incorporated under the Companies Act, 1956. In the plaint, it is alleged that the plaintiff is one of the largest security service companies and its regional office is at Plot No. 1 & 2, C-9, Vasant Kunj, New Delhi. It has 9 other branches in Delhi and is engaged in the business of providing security and other services at various offices / premises of its clients. The plaintiff has a large number of employees who are posted in Delhi. The employees have grouped themselves together into various unions from time to time. The defendant No. 1 (Group 4 Securicor Mazdoor Union), Defendant No. 2 (Group 4 Securicor Union), Defendant No. 3 (Group 4 Falck Employees Union) and Defendant No. 4 (Group 4 Kamgar Union) are four such unions. The defendant No. 5 is an All India Trade Union which allegedly acts as the umbrella body for the defendant Nos 1 to 4 and other unions which claim affiliation to it.

2. The plaintiff filed the suit for, inter alia, restraining the defendants and their office bearers and members etc from shouting slogans, holding dharnas, demonstrations, creating nuisance etc within a radius of 100 meters from the gates/boundary wall of the various offices of the plaintiff as indicated in prayer "A". The plaintiff also sought a decree restraining the said defendants, their office bearers, members etc from shouting slogans, holding dharnas, demonstrations,

meeting etc at Jantar Mantar or at any other place in Delhi wearing the uniform of the plaintiff company which contains the trademark as well as the artistic work and the logo of "Group 4 Securicor". On 24.08.2007 this Court directed the issuance of summons in the suit, returnable on 15.01.2008. An interim order was also passed on the same date in the plaintiff's application under Order 39 Rule 1 & 2 CPC (IA.No. 9608/2007). The defendants had been served with the summons. Since nobody appeared on behalf of the defendants on 15.01.2008, this Court had directed that the defendants be proceeded against ex parte. The plaintiff was directed to lead its ex parte evidence by way of filing affidavits. The plaintiff has filed the affidavit of Shri Sanjeev Kumar Taku who is the Senior Manager of the plaintiff company. The said affidavit has been marked as Exhibit PW1/A. The affidavit fortifies the allegations / averments made in the plaint. It is stated in the affidavit that various labour unions in order to put pressure on the plaintiff to fulfill their illegitimate demands have been pressurizing the employees to join them as well as to indulge in the activities detrimental to the interest of the plaintiff. It is further stated that certain employees in connivance with the trade unions have been stopping the ingress and egress of other employees as well as have started threatening to demonstrate in front of the offices/residences of the management of the plaintiff company. It is further alleged that the defendant unions are not recognised by the plaintiff but in the interest of organisation and the other employees, the plaintiff has been negotiating with them for peaceful solutions. However, with the increase in the number of unions, they have started interfering in the affairs of the company in order to show their strength and presence. The defendant unions have failed to stop their activities of demonstrating in an illegal manner inspire of several requests made by the plaintiff. The defendants had given a demand notice on 20.08.2007 to the plaintiff raising various demands. The plaintiff had asked the defendants not to interfere in this manner and to sit across the table but the defendants were bent upon creating unrest amongst the workers. The defendant No. 1 has issued a letter dated 22.08.2007 to the plaintiff wherein they had threatened to hold a protest rally at Jantar Mantar on 27.08.2007 and further threatened to intensify the agitation. A copy of the letter dated 22.08.2007 is marked as Exhibit PW1/6. It is alleged that the defendants have threatened the plaintiff with dire consequences of life and property if the plaintiff does not accept all the demands of the defendants. It is also alleged that the defendants have earlier also held violent demonstrations, used abusive language, blocked the ingress and egress, manhandled the officers and the staff of the plaintiff and created such a situation that no work could be carried out. It has been stated that the atmosphere in the offices of the plaintiff, as a result of the conduct of the defendants unions, is very surcharged and there is imminent danger to the life and property of the plaintiff's officers as well as other employees.

3. Apart from the evidence of the plaintiff, there is nothing on the part of the defendants to controvert the said allegations. Consequently, it has to be accepted that the defendants have been indulging in illegal activities of raising slogans,

using abusive language and at times being violent in demonstrating for their demands. It has also come in evidence that the defendants have threatened to hold demonstrations / meetings at places other than premises of the plaintiff including at Jantar Mantar. It is obvious that if the members of the said defendants demonstrate at other places, wearing the uniforms of the plaintiff, the same would create a bad name for the plaintiff. While it is true that the employees and unions have a right to demonstrate for the purposes of achieving their legitimate demands, it is also true that the employees and the unions do not have any right to use abusive language or violence or prevent ingress and egress of other persons / employees from their work places. The members of the unions can use legitimate means to achieve their legitimate demands. They cannot use illegal or illegitimate means to achieve any of their demands whether legitimate or illegitimate. Consequently, I am of the view that the plaintiff is entitled to a certain degree of protection and that would be provided by preventing the defendants and / or their members from demonstrating / shouting slogans etc within 100 meters of the boundary wall of the offices / work places of the plaintiff and residences of the plaintiff's officers. The plaintiff is also entitled to a decree restraining the employees from agitating / demonstrating at other places in Delhi wearing the uniforms of the plaintiff. The wearing of the uniforms of the plaintiff is subject to rules framed by the plaintiff and such demonstrations do not fall within the rules.

4. Consequently, the suit is decreed as prayed for in terms of prayers A and B of the plaint. The formal decree be drawn up. The suit stands disposed of.