

(2002) 04 DEL CK 0035

In the Delhi High Court

Case No : Suit No. 2439 of 2000 and is 11403 of 2000

Maruti Udyog Ltd.

APPELLANT

Vs

Maruti Udyog Employees Union and Others

RESPONDENT

Date of Decision : 24-04-2002

Acts Referred:

Constitution of India, 1950 — Article 19

Citation : (2002) 5 AD 425 : (2002) 98 DLT 673 : (2002) 95 FLR 408

Hon'ble Judges : Jiwan Dass Kapoor, J

Bench : Single Bench

Advocate : Vinay Bhasin and Amit Bhasin, for the Appellant; Nemo, for the Respondent

Judgement

J.D. Kapoor, J.—This is a suit by the plaintiff i.e. a public limited company engaged in the business of manufacturing automobile vehicles. The plaintiff has sought a decree of permanent injunction restraining the defendants, their agents, members, employees and anybody on their behalf from holding demonstration and raising slogans etc. within the radius of 500 metres from the walls of the offices of the company and as well as the residences of the Managing Director and other Directors and further restrain them from interfering in the ingress and egress of the officers, employees, customers or anybody connected with the business of the company in their corporate office and other office of the plaintiff company.

2. Case of the plaintiff in brief is as under:-

plaintiff's company's corporate office is located at 25, Kasturba Gandhi Marg, New Delhi with Regional Office at Hansalaya Building Barakhamba Road, New Delhi and workshop at Naraina Industrial Area, New Delhi. The defendant No. 1 is the Union and the other defendants are the office bearers of the Union except the defendants who are the SHOs of the concerned areas. The employees of the plaintiff company are the members of the Union. That in order to coerce and pressurise the plaintiff to concede to the demands with regard to the revision of

the incentive scheme and other lawful demands, the defendants resorted to agitational tactics, holding of demonstrations, dharna in front of the factory at Gurgaon w.e.f. 9.9.2000 which is continuing till date. The defendants have been instigating the employees to resort to work to rule, disrupt the operation of the factory and on the instigation of the defendants, the employees have been holding demonstrations within the premise, slowing down the production and also tool down strikes sine 3rd of October, 2000.

3. That on 2.11.2000, the defendants Along with their families and beddings held demonstrations and dharna at the corporate office and continue to hold till such time their demands are met. The copy of the report of the Vigilance Department containing the speech of defendant No. 2 is annexed hereto as Annexure P-2. A large number of employees Along with their family members aided and abetted by outsiders and the defendants collected outside the Corporate office, New Delhi and held violent demonstration.

4. That the defendants made inflammatory speeches exhorting the employees to force their entry into the building. The employees were extremely charged by the instigation of the defendants and rushed into the building. The police had to immediately intervene and also used force to prevent them from entering the office building and causing damage to the property as well as the persons of the plaintiff company.

5. That the defendants are not permitting the Managing Director, as well as other Directors who include the Japanese Directors as well as other officers from leaving the office building and they have thus been illegally confined in the office building.

6. The plaintiff is bound to suffer irreparable loss and injury if the defendants are allowed to continue with their illegal activities thereby disrupting the operations of the company which the plaintiff can ill afford.

7. The cause of action for filing the present suit firstly arose on 2.11.2000 at about 10.00 A.M. when the defendants and others held boisterous demonstrations and prevented the ingress and egress of the Directors, other officers and employees of the company. The cause of action is continuous as the threats of the defendants are persisting.

8. inspire of service of summons upon the defendants, they did not appear to contest the allegations of the plaintiff and allowed themselves to be proceeded ex parte.

9. In support of the aforesaid averments the plaintiff has filed affidavit by way of evidence and reiterated the averments on oath.

10. Freedom to form Associations or Unions as enshrined in Article 19 of the Constitution of India is not unfettered. While airing their grievances and seeking redressal, the Unions and their members cannot be allowed to trespass into others" legally occupied premises or to bring the working of the Organisation to a

grinding halt. Greater freedom and less responsibility is not the spirit of Article 19 of the Constitution of India. Unions and their members have a right to hold peaceful demonstrations, dharnas but without disturbing the ingress or egress of the officers and other willing workers of the Organisation. By allowing Unions and their members to hold such demonstrations, dharnas and pickets and to gherao the officers of the Organisation inside the premises would be permitting them to hold the employers at ransom. That is why there is unanimity of view that such demonstrations, dharnas should be allowed to be held at a distance of 100 metres and above depending upon the topography of the premises.

11. In the instant case, allegations of the plaintiff that the defendants have created such a situation under the garb of freedom given to them by the Constitution that entire working of the organisation has come to standstill and the plaintiff will suffer irreparable loss and injury if defendants are not enjoined upon, stand established.

12. Suit is decreed in terms of prayer (a) of the plaint but with the modification that the defendants shall have the right to hold demonstration at a distance of about 100 metres from the premises of the plaintiff with all other restrictions mentioned therein. Decree sheet be drawn up accordingly.