

(2012) 04 UK CK 0045

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 505 of 2012

V.I.P. Industries Limited

APPELLANT

Vs

State of Uttarakhand and Three Others

RESPONDENT

Date of Decision : 04-04-2012

Acts Referred:

Citation : (2012) 04 UK CK 0045

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Advocate : Pankaj Miglani, for the Appellant; K.C. Tiwari, Brief Holder, learned counsel, for the Respondent

Judgement

Hon''ble B.S. Verma, J.

Misc. Application No. 2344 of 2012

1. Heard learned counsel for the parties. By means of this writ petition, the petitioner has sought the following relief:-

1. To issue a writ, order or direction in the nature of mandamus directing the respondent nos. 1 to 4 to restrain the employees and their associates from obstructing the ingress and egress of any officer, willing workmen, employees, etc. in to and out of the petitioner's office, installations, establishments etc. and may further direct the respondents to restrain the employees and other persons from holding any meetings, gathering within 500 meters of the outer radius of the petitioner's premises.

2. To issue a writ, order or direction in the nature of mandamus directing the respondents to ensure the safety and security of the employees working in the petitioner's factory and further to ensure that the erring employees do not resort to destruction of petitioner's factory, raw material or manufactured and finished goods.

3. To issue any other suitable order or direction as this Hon''ble court may deem

fit and proper under the facts and circumstances of the case.

4. To award the cost of the petition to the petitioner.

2. On 2-4-2012, learned Brief Holder Mr. K.C.Tiwari, appearing on behalf of the respondents was directed to seek instruction on behalf of the respondents and inform the Court on 4-4-2012 whether the employees of the petitioner are agitating against the petitioner or not. Learned Brief Holder submits that he sent a Fax on the same day but no instructions have so far been received in the matter.

3. Learned counsel appearing on behalf of the petitioner has stated at Bar that some of the workmen/employees have sat on Dharana and they are obstructing ingress and egress of the willing workmen/employees to enter and exit of the premises of the petitioner.

4. Learned counsel for the petitioner has submitted that this Court in Writ Petition No. 2075 of 2011 (M/S), Rockman Industries Ltd. Vs. State of Uttarakhand and others by order dated 14-3-202012 has given certain direction to the District Magistrate and S.S.P. Haridwar. Learned counsel for the petitioner further submitted that the same direction is given in the case at hand in the interest of justice to maintain industrial peace and harmony as well as law and order between the petitioner and the workmen.

5. Considering the facts and circumstances which have been brought on record and the ratio of the judgment rendered by the Delhi High Court in the case of Superior Crafts Vs. Centre of Indian Trade Unions [2008 Law Suit (Del) 872], I dispose of the writ petition finally directing the District Magistrate and S.S.P. Haridwar to ensure law and order position and also ensure to restrain obstruction in the ingress and egress of any officers, willing workmen, employees etc. of the factory and movement of transport of the petitioner-industry. It is, however, open to the employees/workmen to hold demonstrations or Dharna or protest, if any, beyond a range of 50 meters from the outer radius of petitioner premises in such form as are permissible in law.

6. All pending applications stand disposed of. A certified copy of this order be issued to the learned counsel for the parties today on payment of usual charges.