

CASE NO.:
Appeal (civil) 2096 of 2008

PETITIONER:
Orchid Employees\022 Union & Ors.

RESPONDENT:
Orchid Chemicals & Pharmaceuticals Ltd.

DATE OF JUDGMENT: 25/03/2008

BENCH:
Dr. ARIJIT PASAYAT, C.K. THAKKER & LOKESHWAR SINGH PANTA

JUDGMENT:
J U D G M E N T
(Arising out of SLP (C) No.9041 of 2007)

Dr. ARIJIT PASAYAT, J

1. Leave granted.

2. Challenge in this appeal is to the order passed by a learned Single Judge of the Madras High Court allowing the Civil Revision Petition filed by the respondent. By the common order three Civil Revision Petitions were disposed of. The Civil Revision Petitions were filed against a common order of dismissal in I.A. Nos.1489 to 1491 of 2006 in OS No. 360 of 2006 dated 13.3.2007 by the Learned District Munsif Madurantagam filed by the respondent to restrain the present appellant No.1-Union and its members from assembling within 100 meters of the boundary of its company and restraining them from obstructing the ingress and egress of vehicles carrying raw material and finished products, staff bus and other vehicles into the respondent Company and also obstructing loyal workers, foreign customers and other visitors from entering into the premises of the company and getting out of the same till the disposal of the suit.

3. The High Court held that prima facie there was contravention of Section 22 of the Trade Union\022s Act, 1926 (in short the \021Act\022). It was noted that the formation of the appellant No.1-Union was challenged and cancellation proceedings were pending before Deputy Commissioner of Labour, Chennai. The High Court felt that it would be in the interest of the parties to pursue their remedy before the Deputy Commissioner of Labour, Chennai and get the grievance redressed. It was further observed that if that could not be done, the matter should be referred to Industrial Tribunal and till then the status quo should be maintained. For the reasons stated above, all the Civil Revision Petitions were allowed, setting aside the orders passed in the respective I.A. Nos. 1489 to 1491 of 2006 in O.S. No. 360 of 2006 dated 13.3.2007 by the learned District Munsif, Madurantagam.

4. The present appellants and members of 17th respondent Union (before the High Court) were restrained to assemble within 100 meters of the boundary of the factory premises of the respondent company and raise slogans or obstruct the ingress and egress of the vehicles carrying raw materials and finished products, staff bus and other vehicles into factory

premises, and obstruct the loyal workers, foreign customers and other visitors from entering into the respondent company and getting out of the same till the disposal of the suit or the conciliation proceedings, whichever is earlier. It was, however, observed, that the above interim injunctions will not in any way interfere with the present appellant's rights to strike or with the exercise of any other rights conferred by the Industrial Disputes Act or the Trade Unions Act. Though the workers cannot be prevented from gathering or picketing beyond the limit of 100 meters, such assembling and picketing were to be peaceful and lawful and without in any manner violating the directions given.

5. Though various points were urged in support of the appeal, it was pointed out on 6.12.2007 an order was issued by the Labour and Employment (A2) Department inter alia stating as follows:

And whereas the Government are of the opinion that for the purpose of maintaining employment and industrial peace and to prevent continuing industrial unrest in the aforesaid establishment which is a public Utility Service engaged in the manufacture of drugs and pending adjudication of the demands referred to the Industrial Tribunal, it is necessary to make an order.

Now, therefore, in exercise of the powers conferred by Section 10B of the Industrial Disputes Act, 1947, the Governor of Tamil Nadu hereby makes the following order:

The Management of Orchid Chemicals and Pharmaceuticals Limited shall provide work to all the workers who called off the strike on 26.6.2007 except those workmen against whom criminal complaints were filed with police by the management.

6. In view of the aforesaid position, we find that nothing further survives to be done in the appeal which is accordingly disposed of.