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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS OS) 225/2010

Decided on:29th March, 2012

M/S G4S SECURITY
SERVICES (INDIA) PVT LTD

..... Plaintiff

Through : Mr. Sanjiv Bahl with
Mr.Eklavya Bahl,
Advocates

Versus

GROUP- 4SECURICOR KARAMCHARI
UNION AND ORS.

..... Defendants

Through : Ex-Parte.

Coram:

HON'BLE MR. JUSTICE A.K. PATHAK

A.K. PATHAK, J. (ORAL)

1. Plaintiff has filed this suit for permanent injunction and prayed that defendants, their office bearers, members, agents, supporters, workers etc. be restrained from shouting slogans, holding dharnas, demonstrations, meetings, creating nuisance, obstruction, using abusive language, picketing, intimidating etc.

within the radius of 100 meters from the gates/boundary wall of the Registered office/ Delhi region office of the plaintiff, its Corporate office and the residences of its Regional President Mr. David I Hudson and Regional Managing Director Mrs. Rupal Sinha and also from blocking the ingress and egress of the plaintiff's employees, officers, staff, workers, visitors and vehicles in any manner to the aforesaid premises.

2. It is alleged in the plaint that plaintiff is a private limited company incorporated under the Indian Companies Act, 1956. Plaint has been signed, verified and instituted by Shri Sanjeev Kumar Taku, who is duly authorized to do so. Plaintiff is one of the largest security companies and is engaged in the business of providing security and other services to its clients. Plaintiff is having large number of employees. It is alleged that during the past few years some disgruntled employees of the plaintiff started indulging in labor union activities with ulterior motives in order to disrupt the industrial peace and harmony of the plaintiff. Various labor unions, in order to fulfill their illegitimate demands, started enrolling the employees of plaintiff. Certain employees, in connivance with the trade unions, started blocking the ingress and

egress of other employees, inasmuch as, threatened to demonstrate in front of the offices and residences of the management. Plaintiff was compelled to file a suit for injunction being CS (OS) No.1746/2006 titled “M/s. G4S Security Services (India) Pvt. Ltd. vs. M/s. Group -4 Securicor Workers Union (Regd.) and Ors”. In the said suit an interim injunction was passed thereby restraining the defendants therein from picketing within 100 meters from the gates of offices and residences of officers of plaintiff at the places as mentioned in the plaint; from blocking the ingress and egress of the plaintiff and its staff and workers. Thereafter some new unions came up and refused to abide by the said order forcing the plaintiff to file another suit for injunction being CS (OS) No. 1555/07 titled as “M/S G4S Security Services (India) Pvt. Ltd. vs. M/S Group 4 Securicor Mazdoor Union and Others”. In the said suit also, an interim injunction was passed. Yet again new unions came up Plaintiff was compelled to file a suit for injunction being CS(OS) No. 355/ 09 titled M/s G4S Security Services (India) Pvt. Ltd. v/s. Group 4 Staff Karamchari Welfare Association & Ors. In the said suit also injunction was granted thereby restraining the defendants from holding any demonstrations. Thereafter some more new

unions came up, who refused to abide by the said order being not against them, the plaintiff company was constrained to file Suit for Injunction before the Hon'ble High Court of Delhi being CS (OS) No. 833/2009 titled as M/s G4S Security Services (India) Pvt. Ltd. v/s. Group-4, Securicor Employees Welfare Association & Ors. In the said suit defendants were restrained from holding any demonstrations within 25mts from the gates of the offices and holding any demonstration within 100 mtrs. at the residences of officers of the plaintiff at the places mentioned in the plaint thereof. That again certain unions gave notice for the demonstrations for the new addresses of the plaintiff company and refused to abide by the said order being not for the new addresses, the plaintiff was compelled to file Suit for Injunction before the Hon'ble High Court of Delhi being CS (OS) No. 2438/09 titled as M/s G4S Security Services (India) Pvt. Ltd. v/s. Group4 Flack Employees Union (Regd.). In the said suit Interim Injunction was granted thereby restraining the defendants from holding demonstration within 50mtrs from the gates of the offices at places mentioned in the plaint and further from blocking ingress and egress of the plaintiff and its staff and workers.

3. Thereafter, some more unions including defendant nos. 1 and 2 started emerging. Defendant nos. 1 and 2 are not even recognized by the plaintiff. However, in the interest of organization and employees, plaintiff negotiated with them for peaceful solution. Defendants raised certain demands on 27th, January, 2010, which were totally illegal. On 3rd February, 2010 defendants gave a letter to the Regional President of the plaintiff thereby threatening to hold a demonstration and dharna at the office on 10th February, 2010 and had further threatened to intensify the agitation. Plaintiff had tried to settle the dispute amicably and had even informed about the injunction orders passed by this Court in the other suits. Despite all this, defendants threatened to hold violent demonstrations and dharna from 10th February, 2010 onwards. Defendants and their executives, office bearers and members threatened that they shall have a mammoth gathering, procession, dharna and demonstrations in front of the Regional office, Delhi office and residences of the officers and will stop the work of the plaintiff by blocking ingress and egress of the officers and other employees of the plaintiff.

4. After the service of summons defendant no. 2 appeared in

Court through its counsel on 2nd August, 2011. Despite opportunities granted to defendants written statement was not filed, inasmuch as, defendants stopped appearing and were proceeded ex-parte on 17th January, 2012.

5. Plaintiff has led ex-parte evidence by filing affidavit of Shri Sanjeev Kumar Taku. In this affidavit plaintiff has supported the averments made in the plaint, which have been reproduced in brief hereinabove. Certificate of incorporation of the plaintiff issued by Registrar of Companies, National Capital Territory of Delhi and Haryana has been proved as Ex. PW1/1. Copy of Original power of attorney executed by the plaintiff in favour of Shri Sanjeev Kumar Taku has been proved as Ex. PW1/2. Copy of order dated 11th September, 2006 passed in CS (OS) No. 1746/2006 has been proved as Ex. PW1/3. Copy of order dated 24th August, 2007 passed in CS (OS) No. 1555/2007 has been proved as Ex. PW1/4. Copy of judgment dated 6th March, 2008 passed in CS (OS) No. 1555/2007 has been proved Ex. PW1/5. Copy of order dated 20th February, 2009 passed in CS (OS) No. 355/2009 has been proved Ex. PW1/6. Copy of order dated 8th May, 2009 passed in CS (OS) No.833/2009 has been proved as Ex. PW1/7. Copy of order dated

21st December, 2009 passed in CS (OS) No. 2438/2009 has been proved as Ex. PW1/8. A copy of letter dated 27th January, 2010 of defendant no.1 to the Managing Director of the plaintiff regarding general demands of the defendants has been proved as Ex. PW1/9 and a copy of letter dated 3rd February, 2010 of defendant no.1, thereby threatening the CEO of plaintiff to hold a demonstration/dharna at the Corporate office of the plaintiff on 10th February, 2010 has been proved as Ex. PW1/10.

6. From the evidence adduced by the plaintiff, in my view, it has succeeded in proving that defendants have been indulging in illegal activities, that is, threatening to hold dharnas, demonstrations, meetings, creating nuisance, obstruction, shouting slogans, picketing, intimidating etc. to put pressure on the plaintiff to meet their illegitimate demands. It has also come in evidence that defendants have threatened to hold demonstrations/dharnas at the registered office/ Delhi region office, corporate office and the residences of Mr. David I. Hudson, Regional President and Mrs. Rupal Sinha, Regional Managing Director of the plaintiff.

7. Indubitably, employees and unions of workers have a right to demonstrate for the purpose of achieving their legitimate

demands, but at the same time they do not have any right to use abusive language or commit violence or prevent ingress and egress of other employees, officers, visitors of such organization. Members of the unions can use legitimate means to achieve their legitimate demands but they cannot use illegal or illegitimate means to achieve any of their demands whether legitimate or illegitimate. It is a matter of common knowledge that tempers run high when demonstrations of such nature are organized by workers' union. Sometimes it becomes difficult to control the mob and there is always apprehension of breach of peace and law and order in case such demonstrations, dharnas are allowed to be held in the vicinity of the premises of the organization where the workers are employed. Even the property of the employer becomes a target during such demonstrations/dharnas. The employees and officers who are willing to work, as also the visitors are targeted and manhandled in order to prevent them from entering in the premises of such an organization. Unless such unlawful activities are curbed, personal safety of employees, officers and visitors may get jeopardized.

8. I am of the view that the plaintiff has succeeded in proving

its case as set out in the plaint and is entitled to a decree of permanent injunction as prayed for.

9. For the foregoing reasons, defendants, their members and supporters, workers are restrained from holding any demonstration, dharnas, meeting, gherao, picketing as well as shouting slogans, using abusive language within the radius of 100 meters from the registered office/ Delhi region office of the plaintiff at 16, Community Centre, C Block, Janak Puri, New Delhi – 110058, corporate office of the plaintiff at Panchwati, 82A, Sector 18, Gurgaon (Haryana) and residences of Mr.David I. Hudson, Regional President at Green Farm No.1, Rajokri, Near Rajokri Red Light, New Delhi and Mrs. Rupal Sinha, Regional Managing Director of the plaintiff at House no. 4652 P, Sector 23A, Gurgaon, Haryana.. Defendants are further restrained from preventing/blocking ingress or egress of employees, officers, visitors etc. to the aforesaid premises of the plaintiff.

10. Decree sheet be drawn accordingly.

A.K. PATHAK, J.

MARCH 29, 2012

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