

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC., CHITTAPUR**

Present

**Sri. Subhashchandra Rathod**

**B.A. LL.M.**

**Prl. Civil Judge & JMFC.,  
Chittapur.**

**O. S. No.73/2016**

**Dated on this the 07<sup>th</sup> day of January-2020**

**Plaintiff:** Orient Cement Limited,  
Itaga Unit, Tq: Chittapur,  
Represented by its  
Deputy General Manager,  
Sri. Shyam Behari Maheshwari  
S/o Sri. Mahavir Prasad Maheshwari,  
Age: 36 years, Occ: Deputy General  
Manager.  
**(By Sri. V.R.K Advocate)**

**Vs.**

**Defendants:**1.Mr. Chandrashekar Holugal S/o Kashappa  
Holugal, Age: 26 years, Occ: Contract Labour,  
R/o: Itaga village and others.  
**(Def. By Sri. G.S. Advocate)**

**ORDER ON IA No.1**

The plaintiff/applicant has filed the application under Order XXXIX Rule 1 and 2 R/w Sec. 151 of CPC praying to issue temporary injunction order against the defendants.

2. In the accompanying affidavit of the application it is stated that, the plaintiff company is registered company having various manufacturing units amongst others including one at Itaga village. The plaintiff company

indulged in manufacturing and marketing Cement and allied products. In the course of its business it employs skilled and unskilled personnel. At the Itaga unit also, the plaintiff company has employed permanent and contract labours. The defendants are unskilled labours working under a contractor labour and are not the employees under the pay rolls of the plaintiff company. The defendants are not the members of any union recognized by the plaintiff company, they are a group of miscreants including into illegal acts, vandalism, violence, holding the company and its employees for a ransom. The defendants are threatening the permanent employees of the company and thereby are disturbing peaceful atmosphere in the factory. The defendants have sent a letter dated 08-08-2016 demanding the Company to pay their wages directly and prepare company pay slips in their names. The defendants are also illegally demanding to provide facilities as provided to the permanent employees. The plaintiff company has received a letter dated 11-08-2016 from the police stating that, if the demands of the defendants are not met with they would go on strike from 22-08-2016.

3. Further pleaded that the plaintiff company has invested huge amount for establishing the unit to manufacture and distribute cement. Lot of trucks ply in and out of the company on daily basis. The defendants are threatening to hold the entire operation on ransom to make illegal gains, to which they are not entitled to do. On 22-08-2016, the defendants illegally

trespassed into the company premises and have positioned themselves with their supports by planting a tent inside the factory premises. The defendants are threatening and obstructing ingress and egress of factory workers. The defendants have threatened and assaulted the security personnel at the factory gate. On the same day, the defendants intimidated and assaulted other workers from inside the premises and prevented the willing workers from entering inside the factory for their duty. Therefore, the illegal acts of the defendants has created law and order problems for the company and has led the company to incur huge losses by way of damage to the company property and has also obstructed free flow and movement of goods and traffic inside and outside the factory premises, thereby has caused huge financial loss to the company. The plaintiff had also taken action on criminal side by lodging complaints and two cases have been registered against the defendants by the Chittapur Police and even this has not deterred the defendants from taking law into their hands. That the plaintiff company has made efforts for peaceful conciliation with the defendants with regard to their illegal demands. However the defendants are avoiding any meaningful resolution of the situation and are interested only in creating law and order problem and hamper the company work. The police is also rendered helpless unless equipped with the order of the court. The plaintiff has made out prima-facie case and the in all probabilities will suffer an irreparable loss which can not be compensated in terms of money if the injunction is not issued. Besides, the balance of convenience lies in

favour of the plaintiff. Under such circumstances, it is just and proper to issue an ex-parte interim injunction order restraining the defendants from conducting illegal activities such as dharana, strike etc within the premises of the company.

4. On the other hand the defendants have filed written statement and memo adopting the written statement as a objection to the IA. No. I. In the written statement, it is admitted that the plaintiff company has manufacturing cement and taken employment for company work. It is denied that the defendants are unskilled labours working under a labour contractor and are not employees under the pay rolls of the plaintiff company. It is submitted that the lands of the defendants were acquired by the plaintiff company for establishment of Orient Cement Company and therein have taken the defendants as permanent employees and from the date of permanent employment, the defendants are working as employees in the plaintiff company and the plaintiff company has assured to pay regular salary with time to time increase in salary and also pay the compensation in accordance with law, but the plaintiff company is causing harassment to the defendants without any valid reasons. It is the fundamental duty of the employer company to fulfill the valid demands of the employees. If company not fulfilled the demands of the employees, then the employees have got rights to put dharna, strike, agitation, demonstration, etc. for which the employer seek any injunction against the employees. It is false to say that the defendants are not the members of

any recognized by the plaintiff company, but the defendants are land losers and they have not got any facilities as per terms and conditions of the company and they are not group of miscreants indulging into illegal acts, i.e. vandalism, violence, holding the company for a ransom. It is false that the defendants are including in threatening the permanent employees of the company and thereby disturbing the peaceful atmosphere in the factory. The contention taken by the employer i.e. Orient Cement Company, if false, baseless and on imaginary grounds and the para under reply is denied into toto. It is true that the defendants have sent a letter on dated 08-08-2016 demanding the company i.e., plaintiff, to pay their wages directly and prepare company pay slips in their names for which the company denied the same. It is false to submit that the defendants are know with regard to employees of the company and they are permanent employees on the reason that the employees i.e. defendants No.1 to 15, lands have been taken by the plaintiff company for establishing Cement company and also land losers and demanding their wages by way of pay slips and also demanding to provide facilities as provided to other employees. The plaintiff company has received a letter on dated: 11-08-2016 from the concerned police station and concerned police station stating that the demands of the defendants are not met with they would go on strike from 22-08-2016, in spite of that intimation made by the concerned police station, the plaintiff company not fulfilled the demands of the defendants and with one or other reasons postponing the demands. Hence the

defendants have right to protest by way of dharana, agitation, strike, etc. until their demands are fulfilled by the plaintiff company.

5. Further denied that the defendants are threatening to hold the entire operation on ransom to make illegal gains but the plaintiff company knowing the demands of defendants No.1 to 15 and also the plaintiff company has taken their lands for establishing the unit and they have not fulfilled the demands of the defendants as put forth by the plaintiff company. It is false to say that on 22-08-2016 the defendants have illegally trespassed into the company premises and have positioned themselves with their supporters by planting a tent inside the factory premises and the concerned police station has intimated to the plaintiff company the defendants/employees are putting dharana on 22-08-2016, if not fulfilled their demands, in spite of intimation given by the concerned police station the plaintiff company has not fulfilled their demands and not questioned regarding their demands and even also not questioned for what purpose going on dharna. It is denied that the company has made peaceful conciliation with the defendants with the respect of their demands. Hence, prays to dismiss the application.

6. Heard the counsel for both sides, counsel for the plaintiff has filed written argument, perused the same and material on record.

7. The following points arise for consideration:

POINTS

1. Whether the plaintiff company has made out grounds to grant the injunction order as sought for?
2. What order?

8. My answer to above said points are as follows:

Point No.1 : In the Affirmative

Point No.2 : As per final order for following;

**REASONS**

9. **Point No.1** : I have gone through the facts stated in the plaint and the affidavit accompanying I.A.No.1 and also the contention taken by the defendants in the written statement and also written arguments filed by the counsel for the plaintiff wherein the reiterate the plaint averments.

10. The present suit is for the relief of perpetual injunction against the defendants. On perusal of the contention of both the parties it is not in dispute that, the plaintiff company is manufacturing cement and the defendants are working in the plaintiff company. Further it is also not in dispute that, there is some deference in between the plaintiff company and the defendants in respect of terms of employment and the defendants have issued some letters to the plaintiff company making certain demands on 08-08-2016 and also to the concerned police station. In turn the police have also intimated the said fact to the company on 11-08-2016. The

contention of the plaintiff company is that, the plaintiff company has fulfilled the defendants of the permanent employee of the plaintiff company and the plaintiff company doing its business as per law. But on 22-08-2016, the defendants illegally trespassed into the company premises and have positioned themselves with their supports by planting a tent inside the factory premises. The defendants are threatening and obstructing ingress and egress of factory workers. The defendants have threatened and assaulted the security personnel at the factory gate. On the same day, the defendants intimidated and assaulted other workers from inside the premises and prevented the willing workers from entering inside the factory for their duty. Therefore, the illegal acts of the defendants has created law and order problems for the company and has led the company to incur huge losses by way of damage to the company property and has also obstructed free flow and movement of goods and traffic inside and outside the factory premises, thereby has caused huge financial loss to the company. The plaintiff had also taken action on criminal side by lodging complaints and two cases have been registered against the defendants by the Chittapur Police and even this has not deterred the defendants from taking law into their hands. That the plaintiff company has made efforts for peaceful conciliation with the defendants with regard to their illegal demands. However the defendants are avoiding any meaningful resolution of the situation and are interested only in creating law and order problem and hamper the company work.

11. The contentions of the defendants is that, if their demands are not fulfilled by the plaintiff company they have right to go on strike and get fulfill their demands. No doubt, the defendants are having right to go on strike if they are employee of the plaintiff company but such strike should be in accordance with law and not illegal. The contention of the plaintiff company is that the defendants are making dharana and strike in a illegal manner and also threatening the other employees of the company and preventing the other willing workers from entering into their duty, thereby causing loss to the plaintiff company. Even after filling of criminal case at Chittapur police station the defendants are not stopped their illegal act and also not ready for peaceful conciliation with the plaintiff company.
12. After considering the contentions of the both parties and also material on record, this court is of the opinion that, the plaintiff company has made out prima-facie case and if the injunction order is not passed the plaintiff company will be put to irreparable loss and damage, if the illegal act of the defendants is not restrained. Further it may lead for multiplicity of litigation in the even of illegal strike and damages by the defendants. If the T.I. order is passed no harm or prejudice will be caused to the defendants. Hence, it is held that, the plaintiff company has made out grounds to grant the temporary injunction as sought for. Accordingly point No.1is answered in the Affirmative.

13. **POINT No.2:** For the above said reason and findings on point No. 1, I proceed to pass the following;

**ORDER**

I.A.No.1 filed by the plaintiff company U/O XXXIX Rule 1 & 2 R/w Sec. 151 of CPC is hereby allowed.

By an order of temporary injunction, the defendants, their agents or anybody claiming through them are hereby restrained from illegally assembling, forming unlawful assembly and disturbing peaceful functioning of the company by conducting illegal dharana, agitations, demonstrations withing the premises or 300 meters radius of the company till disposal of the suit.

(Dictated to the Stenographer directly on the computer, typed by him, corrected and pronounced by me in the Open Court on this the 07<sup>th</sup> day of January-2020)

**Pri. Civil Judge & JMFC,  
Chittapur**