

A M/S. ORCHID EMPLOYEES' UNION & ORS.
v.
M/S. ORCHID CHEMICALS & PHARMACEUTICALS LTD.
(Civil Appeal No. 2096 of 2008)

MARCH 25, 2008

B [DR. ARIJIT PASAYAT, C.K. THAKKER AND
LOKESHWAR SINGH PANTA, JJ.]

C *Labour Laws – Strike by labour union – Interim injunction
restraining the union and its members from certain activities
sought by the management – During pendency of the litigation
Labour and Employment Department directing the
management to provide work to the workers who call off the
strike – Held: In view of the order of Labour Department, appeal
became infructuous.*

D **Respondent-company filed Interlocutory application
in a suit before Munsif Court, seeking to restrain appellant
No.1-Union and its members from doing certain activities
till the disposal of the suit. The application was dismissed.
E Revision Petition against the order was allowed by High
Court. Hence the present appeal. In the meantime an order
was issued by Labour and Employment (A2) Department
whereby the Management of the respondent-company
was directed to provide work to all the workers who called
F off the strike.**

Disposing of the appeal, the Court

G **HELD: In view of the order issued by Labour and
Employment (A – 2) Department whereby the respondent-
management was directed to provide work to all the
workers who called off the strike, nothing further survives
to be done in the appeal. [Paras 5 and 6] [492-F, G & H;
493-A, B & C]**

CIVIL APPELLATE JURISDICTION : Civil Appeal No.

2096 of 2008.

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From the final Judgment and Order dated 21.04.2007 of the High Court of Judicature at Madras in CRP (PD) Nos. 1036-1038 of 2007.

Dayan Krishnan, Samrat Singh and Nikhil Nayyar for the Appellants.

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R. Viduthalat, V.G. Pragasam and S.J. Aristotle for the Respondent.

The Judgment of the Court was delivered by

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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.

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3. The High Court held that prima facie there was contravention of Section 22 of the Trade Union's Act, 1926 (in short the 'Act'). 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,

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A 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
B 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
C 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
D 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
E 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.

F 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:

G "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
H adjudication of the demands referred to the Industrial

Tribunal, it is necessary to make an order.

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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."

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

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K.K.T.

Appeal disposed of.