

W.P.Nos.11948, 11949 and 11960 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.11948, 11949 and 11960 of 2021

W.P.No.11948 of 2021

Workmen of Renault- Nissan
(India) Pvt Ltd Through Renault - Nissan
(India) Thozilalar Sangam Rep by K.Balaji
Krishnan (President) 4th Floor CJ Complex .
149 Thambuchetty ... Petitioner

Vs

- 1 State of Tami Nadu
Rep by its Chief Secretary
Department of Revenue and Disaster Management (DM-IV)
Department Fort St George Chennai-600 009.
- 2 Management of Renault - Nissan (India) Pvt Ltd
Plot No.1 SIPCOT Industrial Complex
Oragadam Sriperumbudur
Tamil Nadu- 602105. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 1st respondent in connection with GO Ms No. 371 of Revenue and Disaster Management (DM- IV) department dated 8.5.2021 as clarified in GO Ms No. 348 dated 20.04.2021 in respect of Entry (d) of clause I and

W.P.Nos.11948, 11949 and 11960 of 2021

Clause (Xii) of Clause II of the same department and quash the same in so far as the aforesaid clauses are concerned and issue such further or other appropriate orders or directions as this Honble court.

W.P.No.11949 of 2021

1 Workmen of Wipro Infrastructure Engineering
Through United Labour
Federation Rep.by its Vice President
4th Floor CJ complex
No.149 Thambu Chetty
Street Chennai 600 001.

Vs

1 State of Tamil Nadu
Rep. by its Chief Secretary
Department of Revenue and
Disaster Management (D.M - IV) Department
Fort St. George Chennai 600 009.

2 The Management of Wipro Enterprises (P) Ltd.
C Block CCLG Division,
Sarjapur Road Bangalore 560 035.

3 Plant Head
Wipro Infrastructure Engineering (A)
Division of Wipro Enterprises (P) Ltd.
Plot C1 SIPOT Industrial Park, Irrungattukottai
Sriperumbudur Taluk ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 1st respondent in connection with GO (Ms) No.371 of Revenue and Disaster Management (DM- IV) department dated 08/05/2021 as

W.P.Nos.11948, 11949 and 11960 of 2021

clarified in GO (Ms) No.348 dated 20/04/2021 in respect of Entry (d) and (f) of Clause I and clause (Xii) of clause II of the same department and quash the same in so far as the aforesaid Clauses are concerned and issue such further or other appropriate orders or directions as this Honourable court may deem fit and proper in the facts and circumstances of the case award costs.

W.P.No.11960 of 2021

C.R.Prabhakaran ... Petitioner

Vs

- 1 State of Tamilnadu
Rep by its Chief secretary
Department of Revenue and
Disaster Management (DM-IV) Department
Fort St.George chennai-600 009
 - 2 MRF Limited
Rep by its Managing Director
124 Greams Road, chennai-600 006
 - 3 Plant Manager
MRF Limited Tiruvottiyur High Road
Tiruvottiyur Chennai
TamilNadu-600019
- सत्यमेव जयते... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 1st Respondent in connection with GO Ms No.371 of Revenue and Disaster management (DM-IV) Department dated 8.5.2021 as clarified in GO (MS) No.348 dated 20.4.2021 in respect of Entry (ix) of

W.P.Nos.11948, 11949 and 11960 of 2021

clause II and quash the same in so far as the aforesaid clauses are concerned.

For Petitioner : Mr.V.Prakash,
Senior counsel,
for Mr.Maithreyi Canthaswamy Sharma

For Respondents : Mr.R.Shunmugasundaram,
Advocate-General,
Assisted by Ms.Shabnam Banu,
Government Advocate
for respondent-1

Mr.Sanjay Mohan
for respondent-2
(in WP Nos.11948 & 11949 of 2021)

Mr.Anand Gopalan
for respondents 2 and 3
(in WP No.11960 of 2021)

COMMON ORDER

(Made by the Hon'ble Chief Justice)

The Management and the workers at the Renault-Nissan India Pvt. Ltd manufacturing facility at Sriperumbudur are in conversation, but several unresolved issues remain. It is the assertion of the petitioning workers that the employer cannot avail of the exemption to the lockdown without complying with the attendant conditions of maintaining Covid protocol, particularly social distancing. According to the workmen, the distancing norms cannot be maintained in the

production procedure adopted by this employer, particularly in the assembly line.

2. It appears that a member from the Directorate of Industrial Safety paid a visit to the factory on May 26, 2021, but the factory was closed on that day.

3. The workmen have not reported for duty today in protest against the perceived non-adherence to the Covid protocol by the employer. The employer, however, maintains that all precautionary steps have been taken and the employer is open to any surprise or other inspection by an appropriate government official to ascertain whether Covid protocol is maintained at the factory.

4. Learned Advocate-General representing the State is requested to arrange for a senior official from the Directorate of Industrial Safety to visit the Sriperumbudur factory of Renault-Nissan by 10 am on June 01, 2021. It is hoped that after the day off today, the workmen will resume their duties tomorrow, so that the inspection may be made and representatives of the workmen may interact with the concerned government official, along with the representatives of the

Management, to check the relevant parameters and arrive at some form of solution.

5. It is suggested by the workmen that if there is a gap between two cars in the assembly line, social distancing norms may be maintained by allowing three or four workmen to work on the vehicle at a time, instead of six or eight of them working on one vehicle at the same time. It is also submitted on behalf of the workmen that the wearing of face shields may not be appropriate and, in any event, dents and damages cannot be conveniently identified through a shield. The workmen also suggest that the study that the management is undertaking to ensure that distancing norms are maintained at all times, should be completed expeditiously and corrective measures adopted.

6. It is hoped that all safety norms are in place and there is no compromise on such account to keep up the production at the factory. The distancing norms have to be maintained without exception. For such purpose, the management and the workmen should continue their discussions to arrive at a reasonable solution in course of the week. It will be open to the management or the workmen to request

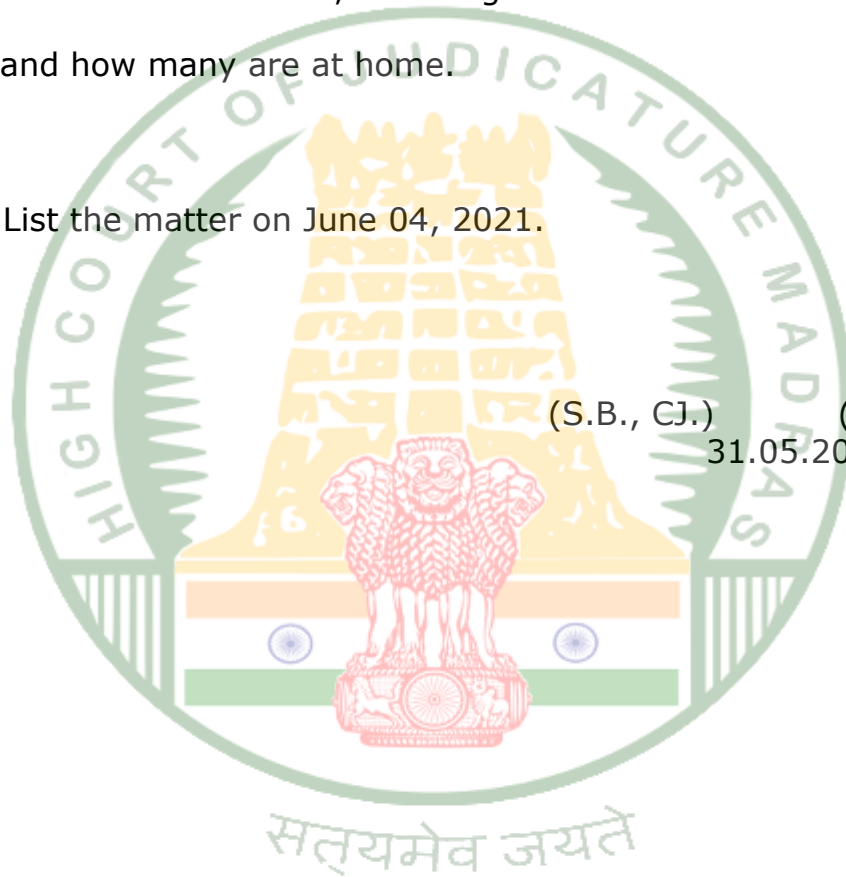
W.P.Nos.11948, 11949 and 11960 of 2021

the concerned government official to be present during the discussions to mediate between the two sides, if necessary. It is hoped that an amicable resolution would be reported to the Court when the matter appears next on June 04, 2021. The employer should indicate the number of workmen infected, including the details of how many are in hospital and how many are at home.

7. List the matter on June 04, 2021.

(S.B., CJ.) (S.K.R., J.)
31.05.2021

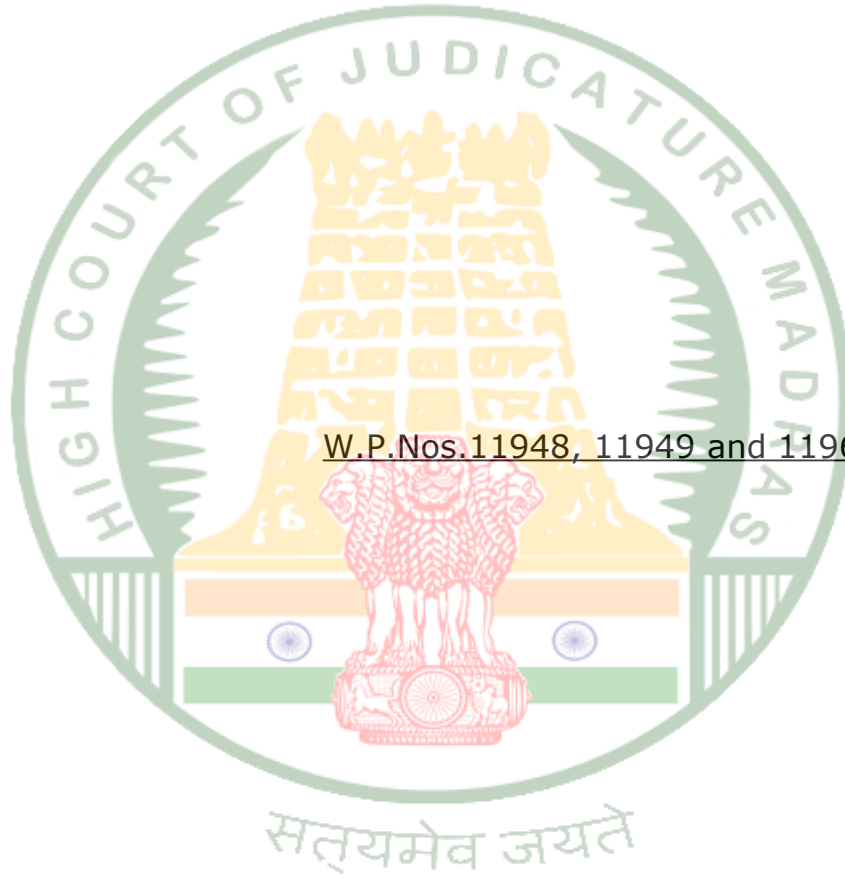
kpl



WEB COPY

W.P.Nos.11948, 11949 and 11960 of 2021

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.



W.P.Nos.11948, 11949 and 11960 of 2021

WEB COPY

31.05.2021