

WWW.LIVELAW.IN

W.P.Nos.11948 and 11949 of 2021

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

(Order of the Court was made by *the Hon'ble Chief Justice*)

The State and two of the employers, Renault-Nissan (Renault) and Wipro Infrastructure (Wipro), are represented.

2. The petitioners' grievances are manifold, including the government's decision to allow the automobile industry to function during the lockdown. The petitioners say that just because there may be pending export orders would not mean that the safety or health of the workmen may be compromised to keep the manufacturing units running. The petitioners say that there is no justifiable basis for the automobile industry to be exempted from the strict lockdown conditions otherwise imposed all over the State in the wake of the second surge of the pandemic.

WWW.LIVELAW.IN

3. Both Renault and Wipro have filed affidavits. The thrust of the affidavits is to indicate that safety measures are in place and Covid protocol is being maintained at the manufacturing units to ensure the safety and well-being of all workers. However, the petitioners complain that there are contract labourers and trainees who are being exploited and transport facilities are not made available to the contract labourers and trainees who are otherwise mandatorily required to attend on a daily basis.

4. The petitioners also suggest that the State should indicate the rationale behind its decision to exempt Renault and Wipro from the rigours of the lockdown.

5. Prima facie, it appears that a policy decision has been taken by the State to allow certain types of industries to function despite the strict lockdown imposed from last week. There is no doubt that due consideration would have gone into choosing which industries to exempt from the lockdown. There is also a presumption that the safety of the workmen at the relevant units would have been taken

WWW.LIVELAW.IN

into account in arriving at the decision. However, at the end of the day, it is a policy decision and unless it is shown that such decision is absurd to the meanest mind, the Court in exercise of the authority under Article 226 of the Constitution may not seek to interfere in such a case.

6. Further, it is a matter between the employer and employees as to what measures should be adopted to ensure the safety and well-being of all employees. It is submitted on behalf of Renault that its employees have indicated no grievance and it has export orders to meet and is, therefore, constrained to continue the manufacturing activities.

7. It is hoped that the industries that have been exempted from the rigours of the lockdown take independent measures to ensure the well-being and safety of the employees required to attend the office or manufacturing units. The Covid protocol has to be maintained at all times. Transportation has to be arranged, not only for the direct employees, but also for the contract labourers

WWW.LIVELAW.IN

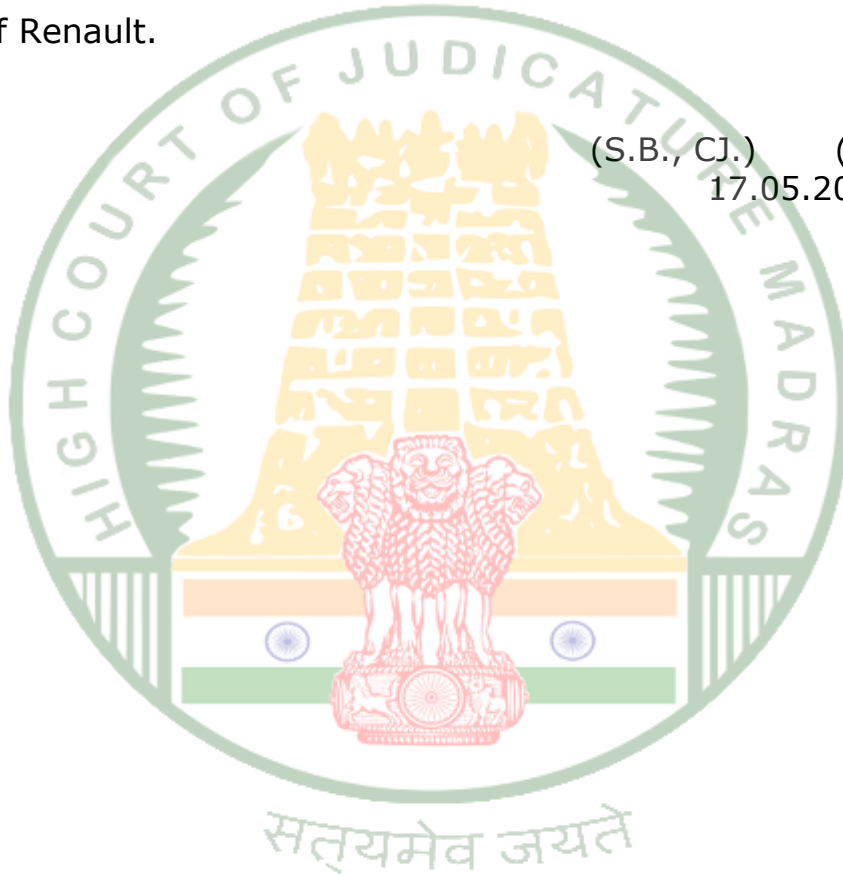
and trainees and such others who are expected to attend the office or the manufacturing facilities. Distancing norms have always to be maintained even during the manufacturing operations. It is hoped that necessary steps in such regard are taken by the concerned employers and, in any event, the manufacturing activities restricted to such as may only be necessary to meet the commitments so that there may be less footfall in the offices and the manufacturing facilities.

8. The State, doubtless, is monitoring the situation at the various manufacturing units and should take immediate appropriate steps as deemed fit in the larger public interest and to maintain public health. In the event the State finds Covid protocol not being maintained at the exempted manufacturing units, immediate appropriate steps should be taken. The State should also monitor the working at various places and advise or restrict the functioning to the extent that may be necessary so as not to compromise public health.

9. The matter will appear on May 24, 2021 for the State's affidavit to be received. It is recorded that both Renault and Wipro have filed their counter-affidavits and a rejoinder has been used by the petitioner in W.P.No.11948 of 2021 to the affidavit filed on behalf of Renault.

sasi/bbr

(S.B., CJ.) (S.K.R., J.)
17.05.2021



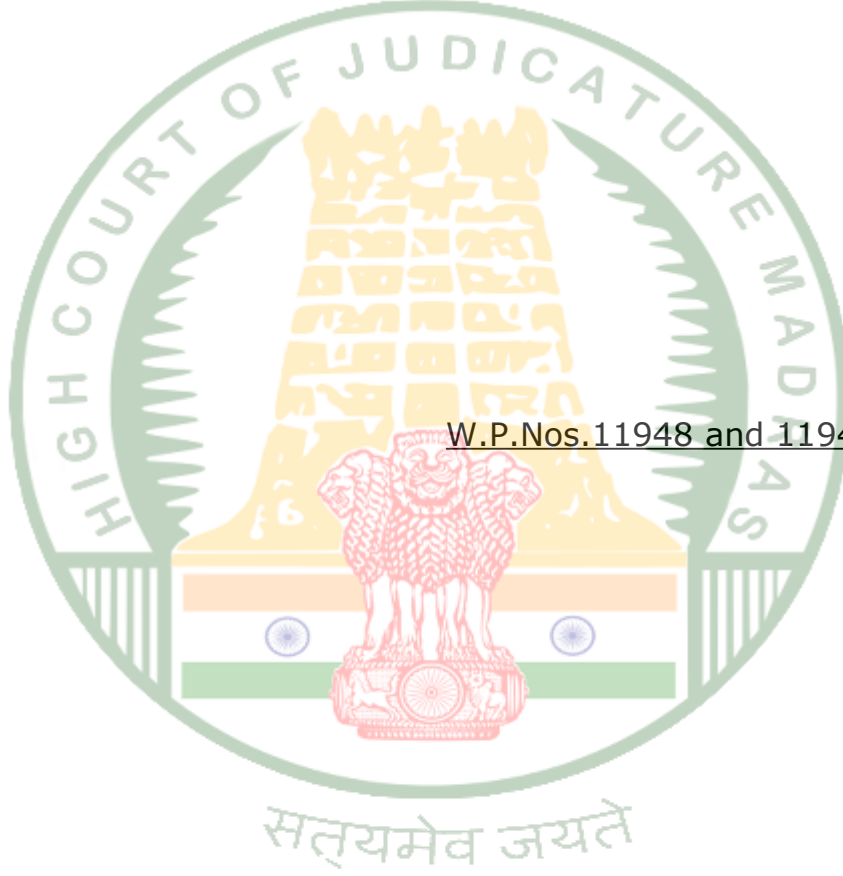
WEB COPY

W.P.Nos.11948 and 11949 of 2021

WWW.LIVELAW.IN

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

(sasi)



W.P.Nos.11948 and 11949 of 2021

WEB COPY

17.05.2021