

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.35425 of 2015  
and M.P.No.1 of 2015

V.Meganathan

... Petitioner

-vs-

1. The Govt. of Tamil Nadu,  
Rep. By its Chief Secretary,  
Fort St. George, Chennai.
2. The Secretary,  
Labour Department,  
Govt. of Tamil Nadu,  
Fort St. George, Chennai.
3. The State General Secretary,  
108 Ambulance Workers Union  
Tamil Nadu, Reg.No.1508/MDU,  
21, Nethaji Main Road,  
Mullai Nagar Bus Stop, P.P.Kulam,  
Madurai.
4. The Commissioner of Labour,  
4<sup>th</sup> Floor, DMS Office,  
Teynampet, Chennai.
5. The Project Director,  
TNHSP, 3<sup>rd</sup> Floor,  
DMS Annex Building,  
Teynampet, Chennai.

6. The Chief Operating Officer,  
GVK E.M.R.I., 108 Ambulance Service,  
Govt. Kasturiba Gandhi Hospital  
Complex, Triplicane, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare that the proposed strike to be conducted by the 3<sup>rd</sup> respondent on from 08.11.2015 at 8.00 p.m. to 09.11.2015 at 8.00 p.m. and the indefinite strike thereafter as illegal, as the Ambulance service is an essential service.

For Petitioner : Mr.V.Meganathan  
Party-in-person

For Respondents : Mr.S.T.S.Murthi,  
Govt. Pleader, assisted by  
Mr.V.R.Kamalanathan,  
Addl.G.P. for RR 1, 2 and 4

O R D E R

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

The petition seeks to raise an identical issue which was raised a year ago faced with the same situation and was dealt with in W.P.No.27567 of 2014 vide order dated 16.10.2014 in the following terms:

"The petition, on the basis of the newspaper reports, apprehends that on the Diwali day, the Ambulance Worker Union would go on strike, which has serious ramifications, as often instances of fire occur on the said day.

2. The learned Government Pleader states that conciliation proceedings are going on and thus, in terms of Section 22 (i)(d) of the Industrial Disputes Act, 1947, there can be no strike during the pendency of the conciliation proceedings. The proceedings are next listed tomorrow. The services provided are public utility services and thus, if there is any breach of the statutory provision, the strike will be declared illegal and the Government will take appropriate action to ensure that services are maintained.

3. The aforesaid statement of the learned Government Pleader is taken on record.

4. In view of the aforesaid position, no directions are required as the learned Government Pleader assures that the services shall be maintained.''

2. It appears to be becoming an annual event on the anvil of Diwali. Learned Government Pleader states that the same position exists even as on date, since the conciliation proceedings have begun and are slated for today and that the services being public utility services, if any breach of the statutory provisions take place, the strike will be declared illegal and the Government will take appropriate action to ensure that the services are maintained as has been observed in the past.

3. We, thus, once again take the stand of the learned Government Pleader on record and accordingly, dispose of the writ petition. No costs. Consequently, M.P.No.1 of 2015 stands closed.  
Sra

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Secretary,  
Govt. of Tamil Nadu,  
Fort St. George, Chennai.
2. The Secretary,  
Labour Dept., Govt. of Tamil Nadu,  
Fort St. George, Chennai.
3. The State General Secretary,  
108 Ambulance Workers Union  
Tamil Nadu, Reg.No.1508/MDU,  
21, Nethaji Main Road,  
Mullai Nagar Bus Stop, P.P.Kulam,  
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4. The Commissioner of Labour,  
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Govt. Kasturiba Gandhi Hospital  
Complex, Triplicane, Chennai.

+1 C.C. To Government Pleader in SR.NO.60297

+1 C.C. To Mr.V.Meganathan, Advocate in SR.NO.60489

W.P.No.35425 of 2015

TEJ(CO)  
sd : 05/11/2015



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