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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.83 OF 2014**

Society for Awareness of Civil Rights

... Petitioner

Versus

Maharashtra State Chemist & Druggist
Association and Ors.

... Respondents

None for the Petitioner.

Ms. Geeta Shastri, Additional Government Pleader for the Respondent
Nos.2 and 3.

Mr. Ashutosh M. Kulkarni for the Respondent No.1.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 18th MARCH, 2016

PC.

1 There are four substantive prayers in this PIL. Prayers (a)
to (d) read thus :-

“(a) That this Hon'ble Court be pleased to restrain the
Respondent No.1, from giving call for strike to its
members on any ground or to go on strike for any
reason.

(b) That this Hon'ble Court be pleased to restrain the
Respondent No.1 and its members from going on strike
on 16th, 17th and 18th of December, 2013.

- (c) That this Hon'ble Court be pleased to direct the Respondent No.3, to pass order prohibiting strike by chemists as provided u/s.4(1) of MESMA Act, and publish the same and extend the same as provided under section 4(2) and section 4(3) of the MESMA Act.
- (d) That to direct the Respondent No.3 to issue directions to State Pharmacy Council to deregister the Pharmacists for compromising their Professional ethics for trade reasons.”

2 As far as prayer clause (b) is concerned, with the passage of time, the prayer does not survive. There is an affidavit filed by Shri Sanjay Tukaram Bawaskar, Under Secretary to the Government of Maharashtra, Medical Education & Drugs Department, Mumbai 400 001. The affidavit discloses that on 13th December, 2013, the State Government has exercised powers under Sub-Section (1) of Section 4 of the Maharashtra Essential Services Maintenance Act, 2011 recording that services of medical shops being services related to public health are essential services within the meaning of the said Act of 2011. There is a further notification issued on 27th June, 2014 in exercise of the powers under Sub-Section (1) of Section 4 of the said Act of 2011 prohibiting strike in the public interest.

3 As action has been taken by the State Government under Sub-Section (1) of Section 4 of the said Act of 2011, no other substantive prayer in the Petition survives.

4 The learned counsel appearing for the first Respondent submitted that there are certain issues raised by the first Respondent regarding providing Grievance Redressal Mechanism to the members of the first Respondent. We must note here that unless the first Respondent assures the Court that a call for strike will not be given, no such issues raised by the first Respondent cannot be looked into by the writ Court. At this stage, the learned counsel appearing for the first Respondent is not in a position to give such assurance.

5 Hence, as the prayers are worked out, for the time being, the Petition need not be kept pending and the same is disposed of.

(P. D. NAIK, J)

(A.S. OKA, J)