

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.37792 of 2016

S.Patrick

... Petitioner-in-person

Versus

1.The Government of Tamil Nadu
represented by its Chief Secretary,
Fort St.George, Chennai 600009.

2.The Secretary,
Labour Department,
Government of Tamil Nadu
Fort St.George, Chennai 600 009.

3.The State General Secretary,
108 Ambulance Workers Union Tamil Nadu
Reg.No.1508/MDU,
Head Office, Door No.21, Nethaji Main Road,
Mullai Nagar Bus Stop,
P.P.Kulam, Madurai 625002.

4.The Commissioner of Labour,
4th floor, DMS Office,
Teynampet, Chennai 600 018.

5. The Project Director,
TNHSP, 3rd Floor,
DMS Annex Building,
Teynampet,
Chennai 600 006.

6.The Chief Operating Officer,
GVK E.M.R.I.,
108 Ambulance Service
Government Kasturiba Gandhi
Hospital Complex,
Triplicane, Chennai 600 005.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration, declaring that the proposed strike to be conducted by the 3rd respondent from 28.10.2016 at 8.00pm., to 29.10.2016 at 8.00 p.m., and the indefinite strike thereafter, as illegal as the Ambulance service is an essential service.

For Petitioner ::: Mr.S.Patrick

(Party-in-Person)

For Respondents ::: Mr.M.K.Subramanian
Government Pleader

O R D E R

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

The petitioner seeks to raise an identical issue which was faced with the same situation during the last two years in W.P.No.27567 of 2014 vide order dated 16.10.2014 and in W.P.No.35425 of 2015 vide order dated 03.11.2015 in the following terms:

- i). 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 days.
- ii). 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 statutory provision, the strike will be declared illegal and the Government will take appropriate action to ensure that services are maintained.
- (iii). The aforesaid statement of the learned Government Pleader is taken on record.
- iv). 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 exist even as on date, since the cancellation proceedings have began and are slated for today and that the

services being public utility services, if any breach of statutory provisions take place, strike will be declared illegal and the Government will take appropriate action to ensure that the services are maintained 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. Parties to bear their own costs. Consequently, WMP.No.32388 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ksr

To

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4.The Commissioner of Labour,
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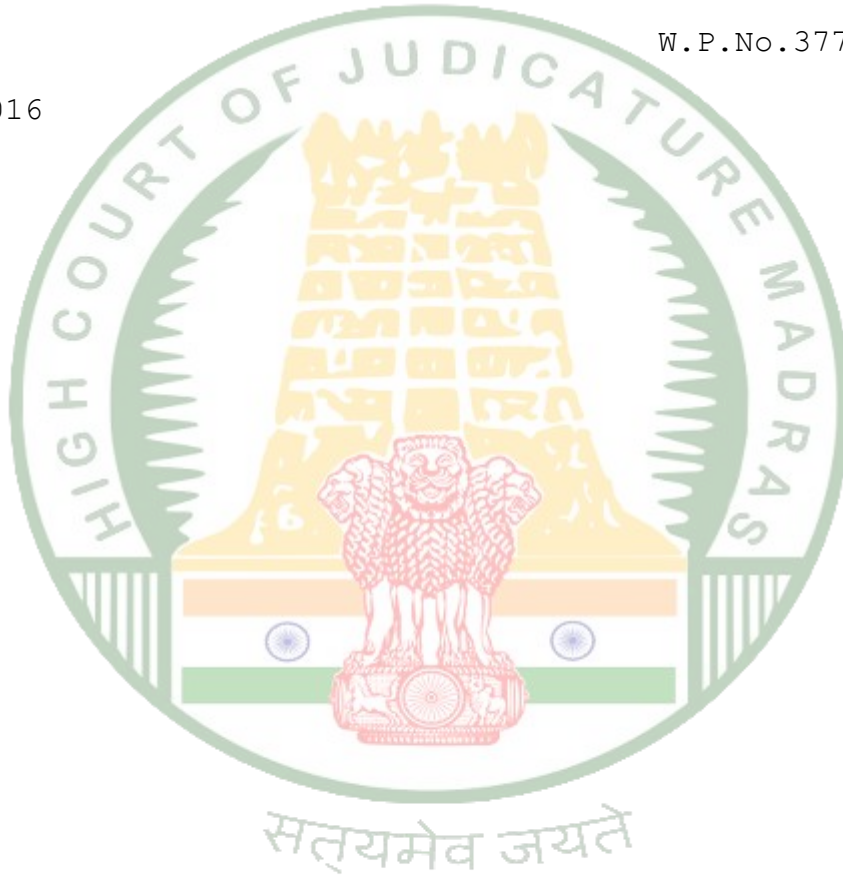
5. The Project Director,
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6.The Chief Operating Officer,
GVK E.M.R.I.,
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Triplicane, Chennai 600 005.

+1 cc to Mr.S.Patric Advocate sr 61341
+1 cc to the Government Pleader sr 14732

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