



W.P.No.27002 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27002 of 2019

P.Selvarajan

..

Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Chief Secretary
Fort St. George, Chennai – 600 009.
2. The Secretary
Labour Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
3. The Commissioner and Secretary
Health Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
4. The Project Director
TNHSP, 3rd Floor
DMS Annex Building
Teynampet, Chennai 600 009.



W.P.No.27002 of 2019

WEB COPY

5. The State Head Officer
GVK E.M.R.I., 108 Ambulance Service
DMS Complex, Teynampet
Chennai 600 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1, 2 and 3 to declare the Ambulance Service as an essential service under the Essential Services Maintenance Act, 1968.

[Prayer amended vide order dated 20.09.2019 in W.M.P.No.26949 of 2019 in W.P.No.27002 of 2019]

For the Petitioner	: Mr.M.Guruprasad
For the Respondents	: Mr.K.Karthik Jagannath Government Advocate for R1 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.M.Guruprasad, learned counsel for the petitioner and Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 to 4.

2. The present petition is filed seeking a direction against the respondents to declare the ambulance service as an essential service under Section 3 of the Tamil Nadu Essential Services Maintenance Act, 2002.



W.P.No.27002 of 2019

WEB COPY

3. Learned counsel for the petitioner has referred to the strike undertaken by the ambulance workers during Diwali festival every year since 2014 till 2018.

4. Learned Government Advocate submits that the Project Director, Tamil Nadu Health Systems Project, has filed an affidavit to the effect that under G.O.Ms.No.157 dated 17.04.2018, ambulance service has been declared as public utility service, as defined under Section 2(n)(vi) of the Industrial Disputes Act, 1947.

5. The grievance of the petitioner is that the same ought to be declared under the Tamil Nadu Essential Services Maintenance Act, 2002.

6. The petitioner has approached the respondent authority. The respondent authority may consider the representation filed by the petitioner, as may be permissible under law.



W.P.No.27002 of 2019

WEB COPY 7. In the light of that, the writ petition stands disposed of.

There will be no order as to costs. Consequently, W.M.P.Nos.20009 of 2020 and 28348 of 2021 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.12.2023

Index : Yes/No
Neutral Citation : Yes/No

drm



W.P.No.27002 of 2019

WEB COPY

To

1. The Chief Secretary
The Government of Tamil Nadu
Fort St. George, Chennai – 600 009.
2. The Secretary
Labour Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
3. The Commissioner and Secretary
Health Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
4. The Project Director
TNHSP, 3rd Floor
DMS Annex Building
Teynampet, Chennai 600 009.
5. The State Head Officer
GVK E.M.R.I., 108 Ambulance Service
DMS Complex, Teynampet
Chennai 600 018.



WEB COPY



W.P.No.27002 of 2019

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.P.No.27002 of 2019

06.12.2023