



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.CWP-21907-2018 (O&M)

Post Graduate Institute of Medical Education and Research, Chandigarh

....Petitioner

Versus

Union Territory, Chandigarh and others

..Respondents

2.CWP-4217-2019 (O&M)

Post Graduate Institute of Medical Education and Research, Chandigarh

....Petitioner

Versus

Union of India and others

..Respondents

3.CWP-PIL-160-2019 (O&M)

Vijay Bansal

....Petitioner

Versus

Union of India and others

..Respondents

4.CWP-PIL-35-2020 (O&M)

Vijay Bansal

....Petitioner

Versus

Union of India and others

..Respondents



5.CWP-PIL-41-2022 (O&M)

Post Graduate Institute of Medical Education and Research, Chandigarh

....Petitioner

Versus

PGI Contract Worker Union and others

..Respondents

6.CWP-25856-2022 (O&M)

Post Graduate Institute of Medical Education and Research, Chandigarh

....Petitioner

Versus

Union of India and others

..Respondents

Date of decision: 20.11.2024

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:- Mr. Vivek Sharma, Advocate for the petitioner
in CWP-PIL-160-2019 & CWP-PIL-35-2020**

Mr. Amit Jhanji, Sr. Standing counsel
with Mr. Abhinav Sood, Advocate
Ms. Eliza Gupta, Advocate for the petitioner
in CWP-4217-2019 and CWP-25856-2022

Mr. Abhinav Sood, Advocate
and Mr. Sumeet Jain, Advocate for UT, Chd.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Gaurav Pathak, Senior Panel Counsel for UOI
in CWP-PIL-35-2020

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Dheeraj Jain, Senior Panel Counsel for UOI

Mr. Vipul Aggarwal, Advocate
Senior Panel Counsel, UOI, in CWP-PIL-41-2022

Mr. J.S.Chandail, Addl. Standing counsel for UT, Chd.



For respondent no.1 & 3 in CWP-21907-2018

Ms. Aakansha Sawhney, Addl. Standing counsel
for UT, Chandigarh in CWP-PIL-35-2020

Mr. Karan Singla, Advocate for respondent no.6 & 8 to 11

Mr. Avinit Avasthi, Advocate for PGIMER

Mr. Ashwani Munjal, respondent in person

ANIL KSHETARPAL, JUDGE

1. With the consent of the learned counsel representing the parties as many as six petitions including three Public Interest Litigations filed by Sh.Vijay Bansal and three civil writ petitions, shall stand disposed of by this common order.
2. In all these petitions, following prayers have been made:-

Sr. No.	Case no.	Prayer
1.	CWP-21907-2018	Writ in the nature of mandamus/certiorari directing respondents to declare the chain hunger strike called by respondent no.5 to 6 as illegal and being violative to provisions of East Punjab Essential Services (Maintenance) Act, 1947 with a further prayer for directing respondent no.5 & 6 (Unions) to immediately withdraw notice dated 18.08.2018 and 21.08.2018.
2.	CWP-4217-2019	Writ in the nature of certiorari for quashing the impugned strike notice dated 16.01.2019 issued by respondent unions to observe one day “Mass Casual Leave” on 18.02.2019 being illegal and against the provision of East Punjab Essential Services (Maintenance) Act, 1947
3.	CWP-PIL-160-2019	Writ in the nature of mandamus directing respondent unions to not to go on strike on 26/27 th August, 2019 and 6th/7th September, 2019 being illegal against the provisions of East Punjab Essential Services (Maintenance) Act, 1947 with a further prayer that no demonstration is being carried out in the Institute



4.	CWP-PIL-35-2020	Writ in the nature of certiorari for quashing illegal action whereby respondent no.5 union have decided to lodge a symbolic protest on 12.03.2020 and to go on indefinite hunger strike w.e.f 19.03.2020 being illegal and against the provisions of East Punjab Essential Services (Maintenance) Act, 1947
5.	CWP-PIL-41-2022	Writ in the nature of Certiorari for quashing the impugned strike notice dated 23.03.2022 (Annexure P/1) issued by respondent No.1 whereby the union has decided to observe One day “Strike” on 25.03.2022, which will disrupt the patient care services, despite the fact that demand of respondent union is still under consideration, being illegal, arbitrary and also against the East Punjab Essential Services (Maintenance) Act, 1947
6.	CWP-25856-2022	Writ in the nature of mandamus directing respondent no.2 to 3 to ensure compliance of provisions of Section 5 of East Punjab Essential Services (Maintenance) Act, 1947 in the petitioner institute in view of indefinite hunger strike w.e.f 14.11.202 vide strike notice dated 07.11.2022 by respondent no.6 union.

3. All these petitions pertain to the then situation prevailing in the Post Graduate Institute of Medical Education and Research, Chandigarh (hereinafter referred to as ‘PGIMER’), which is a premier institute responsible for providing quality health services to the residents of the area. The primary concern in all these writ petitions was with respect to obstruction in the working of the Institute on account of strike by the employees/employees’ unions. In all these matters, interim orders were passed restraining the employees/ employees’ Unions from proceeding on strike or disrupting or disturbing the functioning of the Institute.



4. With the passage of time, all these writ petitions have been rendered infructuous as the cause for which the writs were filed, does not survive. PGIMER has also filed CWP-PIL-162-2024 for challenging subsequent notice dated 26.07.2024 whereby respondent no.6 has taken decision to resort to protest. COCP-528-2024 complaining wilful and intentional disobedience of the interim order passed on 05.02.2024 in CWP-PIL-24-2024 is also pending. CWP-PIL-24-2024 involving similar issues is also pending.

5. Keeping in view the aforesaid facts, all six petitions are disposed of as infructuous.

6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE
20.11.2024

(SHEEL NAGU)
CHIEF JUSTICE

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Whether speaking/reasoned : Yes
Whether reportable : No