

2025:PHHC:102161-DB



CWP-PIL-162 of 2024 (O & M) & connected cases

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(1) CWP-PIL-162 of 2024 (O&M)
Date of decision: 07.08.2025

**POST GRADUATE INSTITUTE OF MEDICAL EDUCATION AND
RESEARCH**

.....Petitioner

V/S

UNION OF INDIA AND OTHERS.

.....Respondents

(2) CWP-PIL-24-2024 (O&M)
Date of decision: 07.08.2025

**POST GRADUATE INSTITUTE OF MEDICAL EDUCATION AND
RESEARCH**

.....Petitioner

V/S

UNION OF INDIA AND OTHERS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Mr. Chetan Mittal, Senior Advocate with
Mr. Prateek Gupta, Advocate (through V.C.) and
Ms. Shifali Goyal, Advocate
for the petitioner in CWP-PIL-162 of 2024 and CWP-PIL 24 of
2024 and COCP-528 of 2024.
Mr. Sumeet Jain, Advocate, Addl. Standing Counsel, UT, Chd.
Mr. Abhinav Sood, Advocate, Addl. Standing Counsel, UT, Chd and
Mr. Nitish Jhahria, Advocate,
for UT Chandigarh
in CWP-PIL-162 of 2024 & CWP-PIL-24 of 2024

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Dheeraj Jain, Senior Panel Counsel, UOI.
Mr. Arun Gosain, Senior Government Counsel-UOI
for respondents no. 1 to 3

Mr. Ashwani Kumar Munjal
(respondent No.7 in CWP-PIL-162-2024) in person.

Mr. Deepak Kundu, Advocate, and

2025:PHHC:102161-DB



CWP-PIL-162 of 2024 (O & M) & connected cases

Ms. Kiran Singh, Advocate (through V.C.)
for respondent No.12 in CWP-PIL-162-2024.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This common order disposes of two aforementioned cases i.e. CWP-PIL No. 162 of 2024, CWP-PIL No. 24 of 2024.
2. This petition (CWP-PIL-162 of 2024) has been filed assailing the notice of strike dated 26.07.2024 (Annexure P-2), where it was intimated that a protest would commence w.e.f. 08.08.2024.
3. This Court while taking cognizance of this matter, vide order dated 09.08.2024, passed the following restraints;

X X X X X X

Notice of motion.

Mr. Dheeraj Jain, Senior Panel Counsel and Mr. Abhinav Sood, Advocate, who are present in Court, accept notice on behalf of respondent no.1 and respondent no.2 &3 respectively.

Let notice be issued to the remaining respondents for 28.08.2024.

In view of the above, respondent no.6-contractual/outsourced employees of all categories are restrained from striking work forthwith and respondent no.1, 2 and 3 are directed to ensure uninterrupted running of the patient care services at PGIMER. Respondent no.7 is also restrained from entering premises of the PGIMER till the next date of hearing.

*Sd/-
(SHEEL NAGU)
CHIEF JUSTICE*

*Sd/-
(ANIL KSHETARPAL)
JUDGE*

09.08.2024

4. In the connected CWP-PIL-24 of 2024, which was also against a similar cause of Union going on strike in PGI, Chandigarh, restraint order was passed on 05.02.2024, to the following effect:-



In the meantime, the respondents shall also be bound by the earlier directions issued by this Court, as noticed above. In case of any violation, it is open to respondent No.2 to take effective steps in accordance with law in order to ensure that the orders passed by this Court are not violated, so that the functioning of the premier Institute – PGIMER, Chandigarh, is not effected in any manner.

Learned senior counsel appearing on behalf of the petitioner Institute has also made a reference to the presence of respondent No.7 in the photograph (Annexure P-14) at page 77 of the paper-book, wherein he is apparently leading the employees, in front of the administrative block.

In such circumstances, we direct that respondent No.7 shall not be allowed to enter the premises of the petitioner Institute till further orders.

Copy of the order be given to learned counsel for the parties under the signatures of the Bench Secretary.

Sd/-
(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

Sd/-
(LAPITA BANERJI)
JUDGE

February 05, 2024

5. The said order was subsequently assailed before the Hon'ble Apex Court in Special Leave to Appeal (C) No. 5311 of 2024 titled Joint Action Committee of PGI Contract Workers Union Through its Chairman & Ors. Versus Post Graduate Institute of Medical Education and Research Chandigarh & Ors. The Apex Court, vide order dated 11.03.2024 while disposing of the aforesaid SLP (C), declined to interfere with the restraint order passed by this Court in CWP-PIL-24 of 2024 qua respondent no. 7, but merely permitted members of respondent-Union to avail medical facilities in PGI, Chandigarh. The operative portion of the order reads as under:

We are not inclined to interfere with the impugned judgment and hence, the special leave petition is dismissed.



However, we clarify that the members of the petitioner- PGI Contract Workers Union will be entitled to avail treatment in the hospital.

Pending application(s), if any, shall stand disposed of.

6. The cause raised in this petition, while the Union was on strike, pertains to the events that took place in the month of August, 2024.

7. In view of the subsequent developments and lapse of time, this cause has become infructuous.

8. However, before parting, it would be pertinent to observe that PGI, Chandigarh is a premier institute of national importance, which is catering to patients not only from Punjab, Haryana and Chandigarh but also from various States such as Himachal Pradesh, Uttarakhand, Jammu & Kashmir, Rajasthan, and Uttar Pradesh, etc.

9. The services rendered by the employees at PGI, Chandigarh has not yet been declared as essential services under the East Punjab Essential Services Maintenance Act, 1947. However, considering the importance of services rendered, this Court by way of a Writ of Prohibition, restrains the Union from resorting to any strike, or abstentions, or protest in the future. Furthermore, the respondent-Union is prohibited from using the premises of PGI, Chandigarh for furthering the Union activities except at the place earmarked as Union office, if any. By no means, the Union activities will obstruct or hinder the uninterrupted movement of patients, their family members, doctors, visitors, etc. within the PGI, Chandigarh.

10. In case of breach of this order by the respondent-Union, the ALC (Central), Chandigarh or any other Competent Authority shall proceed to initiate the process of cancellation of registration of respondent-Union under the Trade Union Act or any other enactment.



CWP-PIL-162 of 2024 (O & M) & connected cases

- 11. Both the petitions stand disposed of.
- 12. All pending Civil Miscellaneous application(s), if any, stand disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

07.08.2025
Kamal Gandhi

Whether speaking/reasoned Yes/No
Whether reportable Yes/No