

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON**

Friday, the 17th day of April 2026 / 27th Chaithra, 1948

WP(C) NO. 8176 OF 2026

PETITIONER:

KERALA PRIVATE HOSPITAL ASSOCIATION, HAVING ITS REGISTERED OFFICE AT KPHA HEAD QUARTERS, ASHIR BHAVAN ROAD, KACHERIPPADY, ERNAKULAM, KOCHI-682018, REPRESENTED BY ITS SECRETARY, DR. ANVAR MOHAMMED ALI, AGED 53 YEARS, S/O. MOHAMMED ALI A., RAHMA GARDENS, VENGANNUR, ALATHUR P.O., PALAKKAD DISTRICT, PIN - 678541

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. THE DEPARTMENT OF LABOUR AND SKILLS, REPRESENTED BY THE SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. THE LABOUR COMMISSIONER, CHAIRMAN INDUSTRIAL RELATIONS COMMITTEE, LABOUR COMMISSIONERATE, THOZHIL BHAVAN (LABOUR COMPLEX) THIRUVANANTHAPURAM, PIN - 695033
4. KERALA UNITED NURSES ASSOCIATION (UNA) REPRESENTED BY ITS PRESIDENT, 2ND FLOOR, IVY CREST APPARTMENT, 15TH STREET, KIZHAKKUMPATTUKARA P.O., THRISSUR, PIN - 680005

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to grant an interim stay of all actions pursuant to the conciliation proceedings initiated by the deputy labour commissioner vide notice dated 26.02.2026 (exhibit p3), and direct respondents to ensure that the directions contained in exhibit p6 and p6(a) are complied with by the members of the 4th respondent union, pending disposal of the above writ petition, in the interests of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S K.ANAND, MATHEWS RAJU, R.K.JAYALAKSHMI Advocates for the petitioner and of PUBLIC PROSECUTOR, SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL(), T.S.SHYAM PRASANTH, SENIOR G.P for R1 to R3, the court passed the following:

HARISANKAR V. MENON, J.

**Con.Case Nos.793, 814, 963, 1005 of 2026 &
W.P.(C) Nos.8176, 9290, 9512, 9520, 9690, 10029 and 10136 of
2026**
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Dated this the 17th day of April, 2026

ORDER

Heard Sri.K.Anand, the learned counsel for the petitioner in W.P.(C) No.9290/2026 as well as Sri.V.G. Sankaran, the learned counsel for the petitioner in W.P.(C) No.10029/2026 as also Sri.Rajit, the learned counsel for the respondent UNA.

2. This Court notices that in the order dated 13.03.2026 in W.P.(C) Nos.8176, 9290, 9512, 9520, 9690 and 10029 of 2026, the Nurses Association was directed to defer strike and ensure that its members do not abstain from work and engage in any form of strike or obstruction until 19.03.2026. With that end in mind, this Court also issued the following direction:

“Both sides shall refrain from doing any act which may aggravate or perpetuate the existing differences between them.”

3. It is pointed out by the learned counsel for the petitioners that, in spite of the afore, the members of the respondent

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association is continuing with the strike, atleast as in two hospitals, even as on date.

4. Sri.Rajit, the learned counsel for the UNA would submit that, if any modification is being made with reference to the interdiction issued, noticed as above, the interdiction on the Nurses Association from deferring with the strike should also be lifted.

5. On a consideration of the rival submissions, this Court notices that the direction noticed as above was issued on the understanding that the Nurses Association would not continue with the strike. This Court also notices that, though an attempt at mediation was undertaken, the same has failed. Therefore, in my opinion, *prima facie*, the petitioners in these writ petitions are justified in contending that they may be permitted to proceed in accordance with law by taking appropriate disciplinary proceedings against the striking nurses.

In such circumstances, the interdiction contained in paragraph No.4 of the order dated 13.03.2026 in W.P.(C) Nos.8176, 9290, 9512, 9520, 9690 and 10029 of 2026 would stand lifted. On the basis of the afore, this Court also is of the

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opinion that the respondent Union would also be entitled to continue with the strike, if they are so advised.

**Sd/-
HARISANKAR V. MENON
JUDGE**

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APPENDIX OF WP(C) 8176/2026

- Exhibit P1** THE TRUE COPY OF THE STRIKE NOTICE DATED 24.02.2026 ISSUED BY THE 4TH RESPONDENT
- Exhibit P2** THE TRUE COPY OF THE CENTRAL GOVERNMENT, MINISTRY OF LABOUR AND EMPLOYMENT, NOTIFICATION S.O 5320(E) DATED 21.11.2025, PUBLISHED IN THE OFFICIAL GAZETTE OF INDIA
- Exhibit P3** THE TRUE COPY OF THE NOTICE ISSUED BY THE DEPUTY LABOUR COMMISSIONER DATED 26.02.2026
- Exhibit P4** THE TRUE COPY OF THE CENTRAL GOVERNMENT, MINISTRY OF LABOUR AND EMPLOYMENT, NOTIFICATION NO.S.O.5322(E) DATED 21.11.2025, PUBLISHED IN THE OFFICIAL GAZETTE OF INDIA
- Exhibit P5** THE TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 19.02.2026 IN WP(C) NO.2177/2026
- Exhibit P6** THE TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) 26716 OF 2012 DATED 02.07.2013
- Exhibit P6(a)** THE TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN R.P NO. 623 OF 2013 IN WP(C) 26716 OF 2012 DATED 30.07.2013

