

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**  
Friday, the 19<sup>th</sup> day of August 2022 / 28th Sravana, 1944  
**WP(C) NO. 26866 OF 2022 G**

**PETITIONERS:**

1. SRI SIVABALAN TRANSPORTS, 17/2, THIRD CROSS, SASTHRI NAGAR, ANNADHANAPATTI, SALEM, TAMIL NADU - 636002, REPRESENTED BY ITS MANAGING PARTNER SENTHIL KUMAR RANGASAMY.
2. ARUNGARAI AMMAN TRANSPORT, 4/48, KURUNALLIPALAYAM POST, POLLACHI, COIMBATORE, TAMIL NADU - 641 202, REPRESENTED BY ITS PROPRIETOR SRI. KRISHNASWAMY ARUCHAMY.
3. RAJU B, 6/289, THALAVACHAPARAKKUDY, KUTTAMPUZHA, ERNAKULAM - 686 681.

**RESPONDENTS:**

1. HINDUSTAN PETROLEUM CORPORATION LIMITED, 17 JAMSHEDJI TATA ROAD, MUMBAI - 400 021, REPRESENTED BY ITS GENERAL MANAGER (LPG).
2. CHIEF PLANT MANAGER, HPCL LPG BOTTLING PLANT, BAULA, VIA KAKIPATTA, MANGALORE - 575 030.
3. KANNUR DISTRICT FUEL EMPLOYEES UNION (CITU), C.KANNAN SMARAKA MANDIRAM, KANNUR - 670 001, REPRESENTED BY ITS GENERAL SECRETARY.
4. THE DISTRICT LABOUR OFFICER, KANNUR, OFFICE OF THE DISTRICT LABOUR OFFICER, KANNUR - 670 001.

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 issue interim order restraining the 4th respondent and its members from resorting to the strike proposed to be held on 22nd and 23rd of August, 2022 or any subsequent date.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of P.RAMAKRISHNAN, PREETHI RAMAKRISHNAN , T.C.KRISHNA, C.ANIL KUMAR, ASHA K.SHENOY, PRATAP ABRAHAM VARGHESE, GOKUL KRISHNA Advocates for the petitioners, GOPIKRISHNAN NAMBIAR for the respondents 1 and 2 GOVERNMENT PLEADER for the respondent 4 the court passed the following:

**MURALI PURUSHOTHAMAN, J**

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**Dated this the 19<sup>th</sup> day of August, 2022**

**ORDER**

Admit.

2. Adv.Gopikrishnan Nambiar takes notice for respondent Nos.1 and 2. Issue notice by speed post to respondent No.3. Learned Government Pleader takes notice for respondent No.4.

3. The petitioners are engaged in the business of transportation of packed LPG cylinders. The third respondent union has called for 48 hours strike from 22.08.2022 as evident from Ext.P10. According to the petitioners, the strike would disrupt the transportation of LPG cylinders from the LPG bottling plant of the first respondent at Mangalore to different distributors in Kerala and Mangalore.

4. The District Labour Officer, Kannur, the 4<sup>th</sup> respondent, had convened a conciliation meeting on

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24.06.2022 which has been adjourned to another date. The petitioners have filed this writ petition to declare the strike proposed by the 4<sup>th</sup> respondent as illegal and is in violation of Section 22(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'ID Act', for short) and for other reliefs. An interim order is sought to restrain the 3<sup>rd</sup> respondent Union and its members from resorting to strike proposed to be held on 22<sup>nd</sup> and 23<sup>rd</sup> of August, 2022 or any subsequent dates.

Section 22 of the ID Act prohibits strike at the threshold in public utility services. The transportation of the LPG cylinders is a public utility service as defined in Section 2(n) of the ID Act read with First Schedule to the Act. Section 22(1) of the ID Act provides that, no person employed in a public utility service shall go on strike, in a breach of contract during the pendency of any conciliation proceedings before a Conciliation Officer and seven days after the conclusion of such proceedings. Since a conciliation proceedings is pending and Section

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22 prohibits strikes and lock outs during the pendency of any conciliation proceedings, to ensure that public utility service is not affected, there will be an interim order restraining the 3<sup>rd</sup> respondent and its members from resorting to strike proposed to be held on 22<sup>nd</sup> and 23<sup>rd</sup> of August, 2022 or any subsequent day during the pendency of the conciliation proceedings.

Sd/-



**MURALI PURUSHOTHAMAN  
JUDGE**

VV

**APPENDIX OF WP(C) 26866/2022**

**Exhibit P10**

**TRUE COPY OF NOTICE PUBLISHED BY THE 3RD RESPONDENT  
WITH ENGLISH TRANSLATION.**

