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COCP-1126-2020

POST GRADUATE INSTITUTE OF MEDICAL
EDUCATION AND RESEARCH
VS
TARANDEEP SINGH GREWAL AND ANOTHER

Present: Mr. Amit Jhanji, Advocate
for the petitioner.

This matter is being taken up for hearing through Video Conferencing due to outbreak of COVID-19.

The petitioner-Post Graduate Institute of Medical Education and Research, Chandigarh (*for short 'PGIMER'*) has filed the present contempt petition against Tarandeep Singh Grewal and Harbhajan Singh Bhatti, who are the General Secretary and the President of Ministerial and Secretarial Employees Union, PGIMER, Chandigarh, respectively (respondent Nos. 1 and 2 herein).

Learned counsel for the petitioner submits that a Public Interest Litigation (PIL) bearing **CWP-PIL No. 160 of 2019**, titled as **Vijay Bansal vs. Union of India & others** was filed, wherein the following order was passed on 27.08.2019:

“This writ petition in the nature of Public Interest Litigation has been filed with a prayer to command respondent-8 Union not to go on strike with a further direction to the State Authorities to ensure that law and order is maintained in the respondent No.2 institute and the association/union does not indulge in any illegal activity that will hamper the smooth functioning of the institute.

Respondent No.8 is the Union of the contract workers working with the Post Graduate Institute of Medical Education and Research, Chandigarh. It is alleged that they

went on strike since yesterday i.e. 26.08.2019 for fulfilment of their certain demands. Precisely, the grievance of the members of respondent No.8 Union is in respect of equal pay for equal work and for regularization of their services as per the notification issued by the Union Government.

Mr. Amit Jhanji, learned counsel appearing for the PGIMER on the basis of the instructions states that today all the major and minor surgeries have been postponed on account of the ongoing strike. This is a very serious matter as it directly affects the public health and the closure of the emergency services of the institute/hospital may result into a major tragedy.

We are also informed that the members of respondent No.8-Union are not only protesting but are also stopping the other willing workers in performing their duties which is further seriously hampering in running of the institute/hospital.

Mr. Pankaj Jain, learned Senior Standing Counsel appearing for Union Territory, Chandigarh assures that on the request made by PGIMER, Chandigarh, adequate police force has been posted there to control the situation. He has also assured that any striking member of respondent No.8 union, if prohibits or interferes in the performance of duties by the other staff or smooth functioning of the institute, they shall be dealt with by the police force in accordance with law.

Considering the facts, we also command the Director General of Police, Union Territory, Chandigarh and Senior Superintendent of Police, Chandigarh to ensure that the assurance given by their learned Senior counsel before us is strictly complied with. In the meantime, we issue notice to all the respondents.

Notice on behalf of respondent No.1 is accepted by Mr. Satya Pal Jain, learned Additional Solicitor General of India assisted by Ms. Sharmila Sharma, Senior Panel Counsel

for Union of India, whereas notice on behalf of respondent No.2-PGIMER, Chandigarh is accepted by Mr. Amit Jhanji, Advocate. Mr. Pankaj Jain, learned Senior Standing Counsel for Union Territory, Chandigarh, accepts notice on behalf of respondent Nos.3 & 4. All of them may obtain instructions by the next date.

In the meantime, let notices be issued to respondents No. 5,6,7, 8 and 9 returnable for 25.09.2019

Considering the facts and circumstances, respondents No.5 to 9-Union(s) are restrained from proceeding on strike or disrupting/disturbing the functioning of any of the activities of the institute/hospital in any manner.

The operation of the notice dated 22.08.2019 issued by respondent No.8 union shall also remain stayed.

Sd/-
(Krishna Murari)
Chief Justice

Sd/-
Arun Palli
Judge ”

Learned counsel for the petitioner further submits that thereafter, another Public Interest Litigation bearing **CWP-PIL No. 35 of 2020**, titled as **Vijay Bansal vs. Union of India & others** has been filed, in which again vide order dated 06.03.2020, the aforesaid order dated 27.08.2019 has been passed by observing that the same would apply *mutatis mutandis* to the respondents as well as the authorities.

Learned counsel for the petitioner further submits that now the respondents, in order to by pass and violate the aforesaid orders, have formed a new union i.e. Ministerial and Secretarial Employees Union, PGIMER, Chandigarh and have started threatening the petitioner-PGIMER as well as authorities of U.T., Chandigarh for going on hunger strike.

Learned counsel for the petitioner has referred to a communication dated 15.04.2020 sent by the said Union (Old Union), in which respondent No. 1 Tarandeep Singh Grewal is shown to be the Sr. Vice President of P.G.I.

Employees Union (Non Faculty), Chandigarh and now he is the General Secretary of the newly formed Union. In one of the communications, the respondents have sought permission from the Deputy Commissioner, Chandigarh to go on indefinite hunger strike.

Learned counsel for the petitioner has, thus, argued that on the face of it, the respondents are contemplating to violate the order dated 27.08.2019 as well as the order dated 06.03.2020, wherein the respondents/Union(s) were restrained from proceeding on strike or disrupting or disturbing the functions of any of the activities of the institute/hospital.

Notice of motion for 13.07.2020.

In the meantime, Deputy Commissioner-cum-District Magistrate, Chandigarh and Senior Superintendent of Police, Chandigarh are directed to take necessary preventive steps to ensure that there is no violation of the aforesaid orders passed by this Court.

It is made clear that in case the respondents or any of the office bearers of the Union(s) proceed on strike/hunger strike, they may be immediately arrested and sent in civil imprisonment.

23.06.2020

Wassem Ansari

(ARVIND SINGH SANGWAN)
JUDGE