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**CWP-PIL-162-2024 (O&M)**

**POST GRADUATE INSTITUTE OF MEDICAL EDUCATION AND  
RESEARCH CHD VS UNION OF INDIA AND ORS**

Present:- Mr. Avinit Avasthi, Advocate for the petitioner  
(through video conferencing)

Mr. Satya Pal Jain, Additional Solicitor General of India  
with Mr. Dheeraj Jain, Senior Panel Counsel for  
respondent no.1-UOI

Mr. Amit Jhanji, Senior Standing counsel with  
Mr. Abhinav Sood, Advocate  
Ms. Eliza Gupta, Advocate and  
Ms. Mehndi Singhal, Advocate  
Mr. Sayyam Garg, Advocate for UT, Chandigarh  
(respondent no.2 and 3)

Mr. Karan Singla, Advocate for respondent no.7  
alongwith respondent no.7 in person

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**CM-143-CWPIL-2024**

1. Allowed as prayed for. Amended petition is taken on record.

**Main case**

2. The hospital attendants, sanitation and house-keeping workers, who are outsourced employees working in the Post Graduate Institute of Medical Education and Research, Chandigarh (hereinafter referred to as 'PGIMER') but under the direct employment of Contractor (respondents no.12 to 15) are abstaining from work since 10.10.2024, as a result of which, the entire administration and functioning of the PGIMER, which is one of the premier Medical Institutes of this country, has been disrupted. The hygiene and sanitation of the Institute-hospital has been put to peril.

3. It has been informed by the learned counsel for UT, Chandigarh Administration, while referring to the provisions of East Punjab Essential Services Maintenance Act, 1947 (hereinafter referred to as 'Act of 1947') that the penal provisions of the Act of 1947 can very well be enforced, as was done earlier on 04.01.1968.

4. We find no reason as to why UT, Chandigarh Administration, cannot invoke the rigours of the 1947 Act for maintaining and facilitating the hospital services in PGIMER.

5. It is also informed by respondent no.7, who appears in person, that there are certain service disputes of the outsourced employees i.e hospital attendants, sanitation and house-keeping workers, which have neither been redressed by the Contractor nor by the PGIMER.

6. Be that as it may, the pendency of any service dispute cannot become cause for an employee to abstain from work in a hospital, which is an essential service.

7. The UT, Chandigarh Administration, and the PGIMER are free to take all permissible coercive steps, available in law, against the employees, who are abstaining from work.

8. The PGIMER is also free to take all coercive steps in terms of the agreement between it and the Contractor.

9. For the time being, the striking hospital attendants, sanitation and house-keeping workers are directed to immediately return to work, failing which PGIMER and UT administration are free to take coercive steps against them, including action under the Act of 1947.

10. Let notice be issued to private respondents no. 8 to 15 for 04.11.2024.

11. In the meantime, call of strike made by the employees vide notice dated 16.09.2024 (Annexure P-25) shall remain stayed, till the next date of hearing.

**(SHEEL NAGU)  
CHIEF JUSTICE**

**16.10.2024**  
rekha

**(ANIL KSHETARPAL)  
JUDGE**