

BEFORE THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V. ASHA

&

THE HONOURABLE MRS. JUSTICE SHIRCY V

TUESDAY, THE 30TH OF APRIL 2020/10TH VAISAKHA 1942

W.P. (C) No.253 of 2020

PETITIONER/ PETITIONER:

1.PRAKASH JOHN, AGED 34 YEARS, S/O. JOHN BOSE, PULIYAMMAKKAL HOUSE, PATHAZHAKKUND, POOMALA PO, THEKKUMKARA, MULAMKUNNATHU KAVE, PIN 680581, THRISSUR DISTRICT.

BY ADV. C.R. REKHESH SHARMA, A. HAROON RASHEED AND A RAJESH

RESPONDENTS/ RESPONDENTS;

1.THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM - 695001

2.DIRECTOR GENERAL OF HEALTH SERVICES, MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN, NEW DELHI- 110001

3.PRINCIPAL SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM

4.KERALA STATE LABOUR COMMISSIONER, COMMISSIONERATE OF LABOUR, THOZHIL BHAWAN, LABOUR COMPLEX, PATTOOR PMG ROAD, PALAYAM, THIRUVANANTHAPURAM 695033.

ADV.PAUL ABRAHAM VAKKANAL, GP

ADV.SUVIN R.MENON, CGC

THIS W.P. (C) HAVING COME UP FOR ADMISSION ON 30.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Asha, J.

We are of the view that reliefs relating to the reduction of wages, dismissal etc. of Nurses are to be sought by persons who are aggrieved, ie. Nurses or their Association and not at the instance of third parties like the petitioner in this Writ Petition.

With respect to the facilities to be made available for ensuring the safety of the Nurses, the learned Government Pleader shall get instructions.

Post on 08.05.2020.

P.V.ASHA, JUDGE

SHIRCY V., JUDGE

APPENDIX

EXHIBIT P1 : COMPLAINT SUBMITTED BY THE NURSES OF IQRAA HOSPITAL IN THIS REGARD TO THE DISTRICT COLLECTOR, CALICUT DATED 24.04.2020

EXHIBIT P2. : THE TRUE COPY OF THE NEWSPAPER REPORT DATED 27.04.2020 PUBLISHED IN MADHYAMAM DAILY.

EXHIBIT P3 : THE TRUE COPIES OF THE COMMUNICATIONS ISSUED BY VARIOUS PRIVATE HOSPITAL MANagements DEDUCTING THE SALARY OF PRIVATE NURSES

EXHIBIT P4 : THE TRUE COPIES OF THE REPRESENTATIONS SUBMITTED BY THE NURSES TO THE LABOUR OFFICERS

EXHIBIT P5 : THE TRUE COPY OF THE MINIMUM WAGES NOTIFICATION DATED 23.04.2018 PUBLISHED BY THE GOVT OF KERALA.

EXHIBIT P6 : THE TRUE COPY OF THE AGREEMENT ARRIVED IN THE MEETING ORGANIZED BY THE DISTRICT ADMINISTRATION THRISSUR DATED 12.04.2020

EXHIBIT P7. : THE TRUE COPY OF THE ORDER ISSUED BY SECRETARY TO THE MINISTRY OF LABOUR AND EMPLOYMENT, DATED 20.3.2020

EXHIBIT P8. : THE TRUE COPY OF THE REPRESENTATION OF THE NURSES TO THE CHIEF MINISTER AND THE RESPONSE FROM THE CHIEF MINISTER'S OFFICE

EXHIBIT P9. : THE TRUE COPY OF THE JUDGMENT OF THE HON'BLE APEX COURT IN JERRYL BANAIT VS. UNION OF INDIA IN WRIT PETITION CIVIL DIARY NO. 10795 / 2020 DATED 08.04.2020