
(2015) 04 KAR CK 0350

In the Karnataka High Court

Case No : Writ Petition No. 50145 of 2014 (GM-RES) PIL

Amruthesh N.P.

APPELLANT

Vs

Government of Karnataka and Others

RESPONDENT

Date of Decision : 10-04-2015

Acts Referred:

Citation : (2015) 4 KarLJ 131

Hon'ble Judges : D.H. Waghela, C.J.; Ram Mohan Reddy, J

Bench : Division Bench

Advocate : V.R. Sarathy and R. Devdas, PGA, Advocates for the Respondent

Final Decision : Disposed off

Judgement

D.H. Waghela, C.J.

1. The petitioner, a practicing Advocate has moved the present public interest litigation upon the Government doctors going on an indefinite strike on 27-10-2014. The public grievance made in the petition is that when all the medical services and emergency medical aid is withdrawn for the ordinary people who have to depend upon the State healthcare services it directly violates the fundamental right of large number of ordinary citizens. Since the strike called by respondent 4-the Karnataka State Government Medical Officers Association has been called off since long and since there has not been disruption of medical services for a long time, the petition is only pressed for recording certain observations and the undertaking of respondent 4 with direction to the State Government to deal with such threats of strike by Medical Officers with an iron hand in exercise of powers conferred by special legislation, namely the Karnataka State Civil Services (Prevention of Strikes) Act, 1966.

2. Recent order dated 11-11-2014 of three-Judges Bench of the Hon''ble Apex Court in Writ Petition (Civil) No. 253 of 2012 is placed on record for the following observations made therein:

"Therefore, we would only express our desire that the Doctors, who carry out a noble service as God's agent by saving lives of people, should not resort to strikes with any intermittent cause but undertake their responsibility with efficiency and utmost sincerity at all times".

3. Learned Counsel appearing for respondent 4 stated that pursuant to the notice issued herein the Association of State Government Medical Officers has called the meeting of Special Executive Body and passed the resolution not to give a call for strike, and in case of any pressing demand of the doctors, to only resort to negotiations or other democratic means so as not to disrupt the essential medical services for the people. Learned Counsel also orally submitted on instructions that respondent 4 proposes to resort to other means of pressing the demand of medical staff and would not resort to any concerted action which may amount to strike and cessation of services at any health care centers of the State Government. It is conceded that in any case strike could only be a weapon of last resort which is also not proper for the doctors to resort to.

4. Learned PGA appearing for the State submitted on instructions that the Government would initiate preemptive actions to prevent any strike and try to sort out the problems and demands of the doctors by negotiation well in time so as not to precipitate the situation where they could find their back against the wall. However, in case of necessity, the State Government will not hesitate to resort to the provisions of the Karnataka State Civil Services (Prevention of Strikes) Act, 1966 and, if the situation so demands, the State Government would exercise its power to arrest without warrant any person who is reasonably suspected of having committed the offences punishable under the aforesaid Act.

5. Having recorded the above observations and submissions made on instruction before the Court, we have reason to hope that neither the association nor the State Government would take any adamant stand or ignore the legitimate proposals so as to aggravate the situation which might result in cessation of medical services even for an hour. With these observations, the petition is disposed with no order as to costs.