

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
Friday, the 13th day of March 2026 / 22nd Phalguna, 1947

WP(C) NO. 8176 OF 2026

PETITIONER(S):

KERALA PRIVATE HOSPITAL ASSOCIATION, HAVING ITS REGISTERED OFFICE AT KPHA HEAD QUARTERS, ASHIR BHAVAN ROAD, KACHERIPPADY, ERNAKULAM, KOCHI-682018 REPRESENTED BY ITS SECRETARY, DR. ANVAR MOHAMMED ALI, AGED 53 YEARS, S/O. MOHAMMED ALI A., RAHMA GARDENS, VENGANNUR, ALATHUR P.O., PALAKKAD DISTRICT, PIN-678541

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. THE DEPARTMENT OF LABOUR AND SKILLS, REPRESENTED BY THE SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
3. THE LABOUR COMMISSIONER, CHAIRMAN INDUSTRIAL RELATIONS COMMITTEE, LABOUR COMMISSIONERATE, THOZHIL BHAVAN (LABOUR COMPLEX), THIRUVANANTHAPURAM, PIN-695033
4. KERALA UNITED NURSES ASSOCIATION (UNA), REPRESENTED BY ITS PRESIDENT, 2ND FLOOR, IVY CREST APARTMENT, 15TH STREET, KIZHAKKUMPATTUKARA P.O., THRISSUR, PIN-680005

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 grant an interim stay of all actions pursuant to the conciliation proceedings initiated by the deputy labour commissioner vide notice dated 26.02.2026 (exhibit p3), and direct respondents to ensure that the directions contained in exhibit p6 and p6(a) are complied with by the members of the 4th respondent union, pending disposal of the above writ petition, in the interests of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. K. ANAND, MATHEWS RAJU & R.K. JAYALAKSHMI, Advocates for the petitioner, the court passed the following:

MOHAMMED NIAS C.P., J.

**W.P.(C) Nos. 8176, 9290, 9512, 9520,
9690 & 10029 of 2026**

Dated this the 13th day of March, 2026

ORDER

It is submitted on behalf of the Nurses Association that, out of the 960 hospitals in the Kerala Private Hospital Association, the issue regarding wages has been settled with all hospitals except 28. This submission is opposed by the learned counsel for the Hospital Association.

2. Be that as it may, having regard to the nature of the dispute, which essentially pertains to the question of wages/service conditions between the hospital managements and the members of the Nurses Association, I am of the view that an attempt must be made to explore the possibility of an amicable resolution. In that view of the matter, it is considered appropriate to refer the parties to the Mediation Centre attached to this Court for facilitating and negotiating a settlement.

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3. Needless to say, the Nurses constitute an indispensable and integral component of the healthcare delivery system in any hospital. Any prolonged dispute between the Hospital Managements and Nursing Staff inevitably affects the functioning of the hospitals and, in turn, places patients and members of the public who seek medical assistance in considerable hardship. Both sides would therefore do well to approach the mediation proceedings in a spirit of responsibility and accommodation, bearing in mind the larger public interest involved in the uninterrupted functioning of the Healthcare Institutions.

4. In order to create a conducive atmosphere for a meaningful mediation, the Nurses Association is directed to defer the strike and ensure that its members do not abstain from work and engage in any form of strike or obstruction until 19.03.2026. The Hospital Management shall also participate in the mediation process in good faith with a view to arriving at an equitable resolution of the

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dispute. Both sides shall refrain from doing any act which may aggravate or perpetuate the existing differences between them.

5. Accordingly, the parties to the writ petitions/their representatives and also the impleading petitioner, viz., Kerala Private Medical College Management Association, shall appear before the Mediator, Kerala State Mediation and Conciliation Centre, High Court of Kerala at 11.00 a.m. on 17.03.2026, without any further notice in that regard.

6. This order is without prejudice to any of the contentions of the parties.

7. The Mediator is requested to file a report on or before 19.03.2026.

Post on 19.03.2026.

Sd/-
MOHAMMED NIAS C.P.
JUDGE

bpr

APPENDIX OF WP(C) 8176/2026

Exhibit P1	THE TRUE COPY OF THE STRIKE NOTICE DATED 24.02.2026 ISSUED BY THE 4TH RESPONDENT
Exhibit P2	THE TRUE COPY OF THE CENTRAL GOVERNMENT, MINISTRY OF LABOUR AND EMPLOYMENT, NOTIFICATION S.O 5320(E) DATED 21.11.2025, PUBLISHED IN THE OFFICIAL GAZETTE OF INDIA
Exhibit P3	THE TRUE COPY OF THE NOTICE ISSUED BY THE DEPUTY LABOUR COMMISSIONER DATED 26.02.2026
Exhibit P4	THE TRUE COPY OF THE CENTRAL GOVERNMENT, MINISTRY OF LABOUR AND EMPLOYMENT, NOTIFICATION NO.S.O.5322(E) DATED 21.11.2025, PUBLISHED IN THE OFFICIAL GAZETTE OF INDIA
Exhibit P5	THE TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 19.02.2026 IN WP(C) NO.2177/2026
Exhibit P6	THE TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) 26716 OF 2012 DATED 02.07.2013
Exhibit P6(a)	THE TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN R.P NO. 623 OF 2013 IN WP(C) 26716 OF 2012 DATED 30.07.2013

