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REPUBLIC OF TRINIDAD AND TOBAGO

INJUNCTION—ILLEGAL INDUSTRIAL ACTION

IN THE INDUSTRIAL COURT

No. A2 of 2002.

In the Matter of

THE INDUSTRIAL RELATIONS ACT, CHAP. 88:01

And

In the Matter of

AN APPLICATION BY THE HONOURABLE MINISTER OF LABOUR AND SMALL AND MICRO ENTERPRISE FOR AN INJUNCTION

[Under the provisions of the Industrial Relations Act, Chap. 88:01 and in particular under sections 7(1) and/or 10(1)(b) and/or 65 thereof]

Between

THE HONOURABLE MINISTER OF LABOUR AND SMALL AND MICRO ENTERPRISE—*Party No. 1*

And

THE PUBLIC SERVICES ASSOCIATION OF TRINIDAD AND TOBAGO—*Party No. 2*

(otherwise known as The Public Services Association)

Ex-Parte

In Chambers:

Dated this 26th day of April, 2002

Entered this 26th day of April, 2002

Before HIS HONOUR MR. ADDISON M. KHAN, *President* and HIS HONOUR MR. HERBERT SOVERALL, *Member*

Appearances:

MR. SEENATH JAIRAM, s.c., leading MR. HENLEY WOODING of Counsel Instructed by MR. DHARMENDRA PUNWASEE for Party No. 1.

UPON APPLICATION for an Injunction this day made unto this Court by Senior Counsel for Party No. 1.

The above-mentioned Application having been heard by this Honourable Court on the 26th day of April, 2002 leave having been granted to file all documents herein.

Upon Reading the Notice filed herein on the 26th day of April, 2002.

And upon Reading the Affidavit of Devnath Roopnarine filed herein on the 26th day of April, 2002 together with the exhibits thereto.

INJUNCTION—ILLEGAL INDUSTRIAL ACTION—CONTINUED

And upon Mature Consideration and Deliberation it is Ordered that:

(1) The Public Services Association of Trinidad and Tobago, otherwise known as The Public Services Association (hereinafter referred to as “the PSA”) whether by its President, General Secretary, Treasurer, officers, servants, workmen and/or agents and/or its members or all workers/employees who are Medical Practitioners within the meaning of and/or under and by virtue of the provisions of the Medical Board Act, Chap. 29:50 (hereinafter collectively referred to as “the Public Service Doctors”) and who are employed with the Government/State of the Republic of Trinidad and Tobago and/or the Ministry of Health of the Government of Trinidad and Tobago (hereinafter referred to as “the Government”) or any of them or howsoever otherwise be restrained from taking and/or continuing to take industrial action within the meaning of the Act in relation to all public hospitals, health centres, laboratories and/or public health care and/or convalescent facilities or other public health facilities (hereinafter referred to as “the public health care facilities”) owned and/or operated and/or controlled by the Government and/or the North-West Regional Health Authority and/or the Central Regional Health Authority and/or the South-West Regional Health Authority and/or the Eastern Regional Health Authority and/or the Tobago Regional Health Authority (within the meaning of the Regional Health Authorities Act, 1994 (Act No. 5 of 1994) (hereinafter collectively referred to as “the Regional Health Authorities”).

(2) The PSA, its officers, servants and/or agents and/or its members and/or the Public Service Doctors employed by the Government and/or any and all Medical Practitioners (within the meaning of and/or under and by virtue of the provisions of the Medical Board Act, Chap. 29:50) employed by the Regional Health Authorities engaged in industrial action be and are hereby enjoined from taking and/or continuing to take such industrial action.

(3) All the workers or employees and/or Public Service Doctors or Medical Practitioners of the Government and/or the Regional Health Authorities and/or members of the said PSA shall not take part in any industrial action in accordance with section 67(2) of the Industrial Relations Act, Chap. 88:01 (hereinafter referred to as “the Act”).

(4) The Order made herein is without prejudice to the Government’s and/or the Regional Health Authorities’ rights under section 63(1)(c) of the Act in relation to all the workers who are at present engaged in industrial action.

And it is also Ordered that leave be and the same is hereby granted to serve a copy of the said affidavit of Devnath Roopnarine filed herein on the 26th day of April, 2002 together with a copy of this Order on the PSA with liberty to Party No. 1 to serve such other person or persons as Party No. 1 may deem fit.

And it is further Ordered that this Order be published once in the *Trinidad and Tobago Gazette* and once in two (2) daily newspapers circulating in Trinidad and Tobago.

Variation and Discharge of the Order:

And it is further Ordered that the PSA may apply to this Court at any time to vary or discharge this Order (or so much of it as affects the PSA) on condition that should the PSA wish to do so it must first give at least 48 hours notice (Saturdays, Sundays and Public Holidays being excluded for the computation of time) to the Attorney-at-law for Party No. 1.

Name and Address of the Attorney-at-law for Party No. 1:

The Attorney-at-law on record for Party No. 1 is Mr. Dharmendra Punwasee of “Victoria Chambers”, 24, Victoria Square West, Port-of-Spain whose address for service is the same.

And it is further Ordered that a penal clause be endorsed hereon as shown below.

M. SAMMY-WALLACE
Registrar, Industrial Court

Note:—If you the within named The Public Services Association of Trinidad and Tobago otherwise known as The Public Services Association (PSA) whether by its President, Secretary/Treasurer, officers, servants, workmen and/or agents and/or its members and/or Public Service Doctors and/or Medical Practitioners employed with the Government and/or the said Regional Health Authorities disobey this Order you will be liable to process of execution for the purpose of compelling you to obey the same.