

IN THE NATIONAL INDUSTRIAL COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

BEFORE HIS LORDSHIP HONOURABLE JUSTICE O. Y. ANUWE

Dated: 5th June, 2023

SUIT NO: NICN/ABJ/158/2023

Between:

1. FEDERAL GOVERNMENT OF NIGERIA
2. THE HONOURABLE ATTORNEY-GENERAL
OF THE FEDERATION & MINISTER
OF JUSTICE

} CLAIMANTS/APPLICANTS

AND

1) NIGERIAN LABOUR CONGRESS (NLC)
2) TRADE UNION CONGRESS (TUC)

} DEFENDANTS/RESPONDENTS

PARTIES

Parties absent

APPEARANCES

Maimuna Lami Shiru (Mrs), DCL, Federal Ministry of Justice, with her Feyisara Titiloye (PSC) and Ekene Elodinu B. (PSC), for the Claimants/Applicants.

I have heard counsel for the Claimants/Applicants praying for the following orders:

1. **AN ORDER** of interim injunction restraining the Defendants/Respondents, their members, their agents, employees, workmen, servants, proxies or affiliates from embarking on the planned Industrial Action and/or strike of any nature pending the hearing and determination of the Claimants/Applicants' motion on notice for interlocutory injunction.
2. **AND** such further or other orders as this Honourable Court may deem fit to make in the circumstance.

COURT ORDER

I have heard learned counsel for the Claimant/Applicants on a Motion Ex-Parte wherein they seek an order of this court restraining the defendants/Respondents, their members, agents, employees, workmen, servants, proxies or affiliates from embarking on the planned Industrial action and/or strike pending the determination of the Motion on Notice which was filed along with this application. I have read the supporting affidavit and Exhibits FGN1, 2 and 3, as well as the Written Address of counsel.

I have also read the affidavit of urgency dated and filed 5th June 2023.

Learned counsel for the Applicant has pointed out that the proposed strike action is capable of disrupting economic activities, the health sector and the educational sector. Exhibits FGN1, 2 and 3 are notices from the 1st defendant and the Nigerian Union of Journalists (NUJ) respectively, to their members, to withdraw their services with effect from Wednesday 7th June 2023.

By Section 7(b) of the National Industrial Court Act 2006, this court is empowered and indeed is clothed with exclusive jurisdiction in matters relating to the grant of any order to restrain any person or body from taking part in any strike, lock out or any industrial action or any conduct in contemplation or in furtherance of strike, lock out or any industrial action.

Sections 16 and 19(a) of the NIC Act 2006 also empower this court to make orders or grant urgent interim reliefs.

The urgency enumerated in the affidavit of urgency and in counsel's submission reveals a scenario that may gravely affect the larger society and indeed the well-being of the nation at large. Counsel has pointed out that students of Secondary Schools nationwide, especially those writing WAEC exams will be affected; the Tertiary institutions who have only just resumed after a long ASUU strike will also be affected, not leaving the health sector, amongst other sectors; and above all, the economy of the nation. In my view, this is a situation of extreme urgency that will require the intervention of this court.

Having therefore considered the totality of this application, I make the following orders:

1. The defendants/Respondents are hereby restrained from embarking on the planned Industrial Action/or strike of any nature, pending the hearing and determination of the Motion on Notice dated 5th June 2023.
2. It is ordered that the defendant/ Respondents be immediately served with the originating processes in this suit, the Motion on Notice and the order of this court hereby made.
3. The Motion on Notice is hereby fixed for hearing for 19th June 2023. Hearing Notices to that effect shall be served on the defendants/Respondents along with the other processes.

Ruling is entered accordingly.

**Given under the Seal of the Court and the Hand of the
Presiding Judge, Hon. Justice O.Y. Anuwe this 5th day of
June, 2023.**



**HON. JUSTICE O.Y. ANUWE
(JUDGE)**

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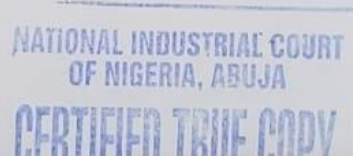
I have heard counsel for the Claimants/Applicants praying for the following order:

1. **AN ORDER OF THIS HONOURABLE COURT** granting leave to the Applicants to effect the service of an Interim Order, Motion on Notice, Originating Summons and their written addresses in this suit on the Defendants by conspicuously pasting same on the wall or entrance door of the Defendant at their last known addresses at Plot 829/821 Labour House Central Business District Abuja and No. 47, Yakubu Gowon Crescent Asokoro District Abuja respectively.
2. **AN ORDER OF THIS HONOURABLE COURT** granting leave to the Applicants to effect service of an Interim Order, Motion on Notice and Originating Summons in this suit herein on the Defendants by publishing same in two National Newspapers in Nigeria and by Nigerian Television Authority or by any other Electronic Medium.
3. **AND FOR SUCH FURTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstance(s) of this case.

COURT ORDER

I have heard learned counsel for the Claimants/Applicants on a Motion Ex-parte dated and filed 5th June 2023, by which they seek the leave of the court to effect service of the interim order of this

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court, the Motion on Notice and the originating summons on the defendants by conspicuously pasting same on the wall or entrance door of the defendants at their last known addresses at Plot 829/821 Labour House, Central Business District, Abuja and No. 47, Yakubu Gowon Crescent, Asokoro Abuja respectively. They also seek an order granting leave to the Applicants to effect service of the interim order of court, the Motion on Notice and originating summons on the defendants by publishing same in Two National Newspapers in Nigeria, and by the Nigerian Television Authority or by any other electronic medium.

I have read the Supporting Affidavit, the Exhibit FGN1 and the Written Address of counsel. Having considered the merits of this application, I hereby order as follows:

1. Leave is hereby granted the Applicants to effect the service of the interim order of this court, the Motion on Notice, Originating Summons on the defendants by pasting same on the wall or entrance of the last known addresses of the defendants at Plot 829/821 Labour House Central Business District Abuja and No. 47, Yakubu Gowon Crescent Asokoro District Abuja respectively..
2. Leave is granted the Applicants to effect service of the interim order, Motion on Notice and Originating Summons in this suit on the defendants/respondents by publishing same in 2 national Newspapers in Nigeria and in the National Television Authority or by any other electronic medium.
3. Service by the above means shall be good service on the defendants/respondents.



Ruling is entered accordingly.

Given under the Seal of the Court and the Hand of the Presiding Judge, Hon. Justice O.Y. Anuwe this 5th day of June, 2023.

HON. JUSTICE O. Y. ANUWE
(JUDGE)

