



W.P(MD)No.5016 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.5016 of 2023

and

WMP (MD) No.4681 & 4682 of 2023

V.O.Chidambaranar Port Trust
Rep. by its Secretary
Giriraj Singh Rathod

... Petitioner(s)

vs.

1. The Secretary,
Ministry of Labour and Employment
Department, Government of India, No.604,
Shram Shakthi Bhavan, Rafi Marg,
New Delhi - 110 001.

2. The Deputy Director General,
O/o.The Deputy Director General,
Ministry of Labour and Employment
Department, Government of India, No.604,
Shram Shakthi Bhavan, Rafi Marg,
New Delhi.



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3. The Chief Labour Commissioner (Central),
O/o.The Chief Labour Commissioner (Central),
12a, Shram Shakti Bhavan,
Rafi Marg, New Delhi - 110001.

4. The Regional Labour Commissioner (Central),
O/o.The Regional Labour Commissioner (Central),
Lady Doak College Road,
Chinnachakkikulam,
Madurai - 625 002.

5. The Labour Enforcement Officer,
O/o.The Labour Enforcement Officer,
Tuticorin.

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records pertaining to the impugned Notification No.SO.191(E) dated 19.01.2017 on the file of the respondent No.2 in so far as the classification of employees in Watch and Ward as skilled and highly skilled under minimum wages in employment of watch and ward and consequently the impugned claim application in Claim Application No. 1/2019-R/M on the file of respondent No.4 and quash the same as illegal.

For Petitioner : Mr.A.Arivuchandran

For R1 to R3 : Mr.S.Sivakumar

For R4 & R5 : Mrs.K.R.Shivashankari, Counsel for State



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ORDER

Challenging the impugned notification dated 19.01.2017 passed by the second respondent and the consequential claim application filed by the fourth respondent, the present writ petition has been filed by the petitioner.

2. The petitioner is a Major Port Authority functioning under the administrative control of the Ministry of Ports, Shipping and Waterways, Government of India, carrying on trade and business as a statutory authority. For the security of the Port, the petitioner has engaged the Central Industrial Security Force (CISF). Apart from the said arrangement, the petitioner awarded a contract to M/s. Malli Security Detective Services for providing watchmen and other unskilled manpower for carrying out minor works and watch and ward services for the period from 22.03.2017 to 21.03.2019. According to the petitioner, the contractor paid wages to its employees in accordance with the Minimum Wages Notification dated 18.09.2012 issued by the Central Government. However, on 18.09.2018, the fifth respondent/Labour Enforcement Officer conducted an inspection and found that the contractor had not paid minimum wages in



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accordance with the revised Minimum Wages Notification dated 19.01.2017.

Consequently, proceedings were initiated before the third respondent seeking recovery of the differential wages payable to the watchmen on the premise that they were entitled to wages applicable to the revised category under the 2017 Notification.

3. The principal contention of the learned counsel for the petitioner is that under the Minimum Wages Notification dated 18.09.2012, the category of watch and ward/watchman was treated as unskilled labour and that only under the subsequent Notification dated 19.01.2017 the category was reclassified and brought under a higher wage category. Therefore, according to the petitioner, the fourth respondent erroneously invoked the 2017 Notification and initiated proceedings for recovery of differential wages, which, according to the petitioner, is unsustainable in law.

4. Per contra, the learned Counsel for the State appearing for the official respondents submitted that the Central Government, in exercise of its powers under Sections 3 to 5 of the Minimum Wages Act, 1948, is competent to



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fix and revise minimum wages from time to time based on the recommendations of the Advisory Committee. The revised notification dated 19.01.2017 was issued in accordance with the statutory scheme and remains valid and binding. It was further submitted that the correctness of the claim relating to the applicability of the revised wages and the computation of the alleged differential wages are matters falling within the jurisdiction of the competent authority before whom the proceedings are pending and that interference of this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, is not warranted at this stage.

5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. The Central Government is empowered under Sections 3 to 5 of the Minimum Wages Act 1948, to fix and revise the minimum rates of wages in respect of scheduled employments. The notification dated 19.01.2017 has been issued in exercise of the said statutory power. Therefore, so long as the notification remains in force, the authorities are bound to give effect to the same



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in accordance with law. In the present case, the proceedings impugned are only for determination of the applicability of the revised notification and the consequential claim for differential wages. In such view of the matter, this Court finds no infirmity in the initiation of the proceedings by the competent authority. It is open to the petitioner to raise all factual and legal objections, including the applicability of the notification dated 19.01.2017 and the computation of wages, before the authority concerned, which shall consider the same on their own merits and in accordance with law.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

15.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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M.DHANDAPANI,J.

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