



W.P(MD)No.7911 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.7911 of 2023

and

W.M.P.(MD).No.7322 of 2023

M/s.Ourland Engineering Works (Private) Limited,
represented by its Manager,
Murugan

... Petitioner

Vs

- 1.The District Collector,
Theni District,
Collector Office Complex,
Theni.
- 2.The Assistant Inspector of Labour,
Department of Labour,
Bodinayakkanur,
Theni District.
- 3.The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur,
Theni District.
- 4.The Regional Director (Municipality),
Office of the Deputy Director,
294, Melakkal Main Road, Kochadai, Madurai.



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5.The Authority,
under Minimum Wages Act,
Collector Office Complex,
Dindigul.

6.Sathish

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed in Case No.M.W.No.21 of 2019 dated 17.10.2022 by the fifth respondent and quash the same as illegal.

For Petitioner : Ms.N.Juliet Latha,
for Mr.R.Narayanan

For R-1 & R-2 : Mr.R.Ramasamy,
Counsel for State

ORDER

This Writ Petition has been filed challenging the impugned order passed in Case No.M.W.No.21 of 2019 dated 17.10.2022 by the fifth respondent

2. Heard Ms. N.Juliet Latha, learned counsel appearing for the petitioner, and Mr. R.Ramasamy, learned Counsel for State takes notice for respondent Nos.1 and 2.



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4. The learned counsel further submitted that while so, the Labour Officer conducted an inspection in the petitioner's establishment and came to the conclusion that the petitioner had not paid the minimum wages prescribed by the Government under G.O.(Ms).No.62, Labour and Employment (J1) Department, dated 11.10.2017, issued under the provisions of the Minimum Wages Act, 1948. Consequently, the Labour Officer filed a claim petition before the Authority under the Minimum Wages Act in M.W.No.21 of 2019 before the fifth respondent seeking payment of differential wages to the employees. By the impugned order dated 17.10.2022, the fifth respondent directed the petitioner to pay a differential



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amount of Rs.7,26,186/- towards minimum wages. Challenging the said order, the present Writ Petition has been filed.

5. Elaborating his submissions, the learned counsel for the petitioner contended that the petitioner had strictly complied with the terms of the agreement entered into with the fourth respondent and had paid wages as fixed by the District Collector. According to him, once the wages were fixed by the competent authority under the contract, the petitioner could not be faulted for paying the same. Therefore, the Labour Officer was not justified in initiating proceedings under the Minimum Wages Act claiming differential wages. It was further contended that the authority under the Minimum Wages Act failed to consider the contractual terms and the wages fixed by the District Collector and mechanically allowed the claim petition. Hence, the impugned order is liable to be set aside.

6. Per contra, the learned Counsel for State appearing for respondent Nos.1 and 2 submitted that admittedly the petitioner is a manpower supply agency engaged by the Municipality under a contractual arrangement. Irrespective of the



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contractual terms, the petitioner is statutorily bound to pay minimum wages to its employees as notified by the State Government under the Minimum Wages Act, 1948. The State Government revised the minimum wages by issuing G.O. (Ms).No.62, Labour and Employment (J1) Department, dated 11.10.2017. The petitioner continued to engage workmen even after the issuance of the said Government Order. Therefore, the petitioner was legally obliged to pay wages in accordance with the revised minimum wages notified by the Government.

7. The learned Counsel for State further submitted that merely because the wages were fixed by the District Collector under the contract, the petitioner cannot avoid its statutory obligation under the Minimum Wages Act. Any contractual stipulation contrary to the statutory minimum wages cannot override the provisions of the Act. On finding that the petitioner had paid wages below the notified minimum wages, the Labour Officer rightly initiated proceedings before the competent authority. After affording sufficient opportunity to both parties and upon considering the materials available on record, the authority passed the impugned order directing payment of differential wages. The said order does not suffer from any illegality warranting interference under Article 226 of the Constitution of India.



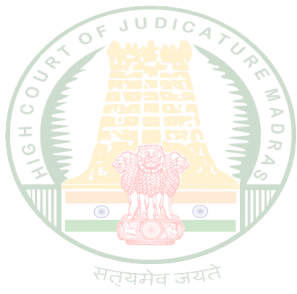
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8. I have carefully considered the rival submissions and perused the materials placed on record.

9. It is not in dispute that the petitioner was engaged as a manpower supply agency for providing workers to the third respondent Municipality. It is also admitted that the petitioner paid wages based on the rates fixed by the District Collector under the contractual arrangement. However, the Minimum Wages Act, 1948 is a beneficial legislation enacted to ensure payment of statutory minimum wages to employees. Once the State Government revises the minimum wages by issuing a notification under the Act, every employer is bound to pay wages in accordance with such notification. Any agreement or contractual condition providing for payment of wages lower than the notified minimum wages cannot prevail over the statutory mandate.

10. In the present case, G.O.(Ms).No.62, Labour and Employment (J1) Department, dated 11.10.2017, revised the minimum wages payable to the category of employees concerned. The authority under the Minimum Wages Act,



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after considering the evidence and hearing both parties, arrived at the conclusion that the petitioner had paid wages below the notified minimum wages and consequently directed payment of differential wages. This Court does not find any perversity, jurisdictional error or violation of principles of natural justice in the impugned order warranting interference under Article 226 of the Constitution of India.

11. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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