



W.P(MD)Nos.17206 & 17212 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.17206 & 17212 of 2023

and

W.M.P(MD)Nos.14411 & 14416 of 2023

1.W.P(MD)No.17206 of 2023:-

The Management,
Chandra Chutty School,
31, Old Bus Stand Road,
Aruppukottai - 626 101.

... Petitioner

Vs

1.The Joint Commissioner of Labour,
Bharathy Ula Street,
Race Course Road,
Madurai - 625 002.

2.Assistant Inspector of Labour,
Aruppukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to calling for the records of the first respondent pertaining to M.W.No.42/2020, quash the order passed i) in M.W(I.A).No.



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04/2021 in M.W.No.42/2020, dated 30.09.2022, dismissing the same, ii) ex-parte in M.W.No.42/2020, dated 16.01.2023 and iii) in Na.Ka.No.Aa1/(2262) MW 42/2020 dated 23.05.2023 rejecting the Interlocutory Application dated 20.02.2023 filed praying to set aside the ex-parte order passed on 16.01.2023 in M.W.No.42 of 2020.

For Petitioner : Mr.S.Seenivasagam

For Respondents : Mr.M.Mahaboob Athiff
Counsel for Government of Tamil Nadu

2.W.P(MD)No.17212 of 2023:-

The Management,
Chandra National School,
Chandra Nagar, Virudhunagar Main Road,
Periapuliyam Patty,
Aruppukottai - 626 101.

... Petitioner

Vs

1.The Joint Commissioner of Labour,
Bharathy Ula Street,
Race Course Road,
Madurai - 625 002.

2.Assistant Inspector of Labour,
Aruppukottai.

... Respondents



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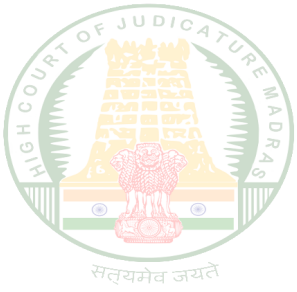
PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records of the first respondent pertaining to M.W.No.47/19 quash the order of the first respondent passed i) in M.W.(I.A) No.03/2021 in M.W.No.47 of 2019 dated 30.09.2022 dismissing the same ii) ex-parte order in M.W.No.47 of 2019 dated 16.01.2023 and iii) in Na.Ka.No.Aa 1/(1814) MW 47/2019 dated 23.05.2023 rejecting the Interlocutory Application dated 20.02.2023 filed praying to set aside the ex-parte order passed on 16.01.2023 in M.W.No.47 of 2019.

For Petitioner : Mr.S.Seenivasagam

For Respondents : Mr.M.Mahaboob Athiff
Counsel for Government of Tamil Nadu

COMON ORDER

These Writ Petitions have been filed challenging the orders dated 20.02.2023 passed in the interlocutory applications seeking to set aside the ex parte orders dated 16.01.2023 passed in M.W. No.42 of 2020 and M.W. No.47 of 2019.



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2.Since the issue involved in both the Writ Petitions is one and the same, they are taken up together and are disposed of by this common order.

3.Learned counsel appearing for the petitioners submitted that the petitioners are educational institutions running schools in the name and style of Chandra Chutty School and Chandra National School.

4.It is submitted that the second respondent conducted an inspection in Chandra Chutty School and found that two employees, namely, S. Amutha (Ayah) and A. Veerammal (Ayah), had allegedly been paid wages below the prescribed minimum wages. Likewise, an inspection was conducted in Chandra National School, wherein it was found that the petitioner school had allegedly paid wages below the prescribed minimum wages to eleven employees, comprising ten Ayahs and one employee, namely, Bhuvaneswari.



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5. According to the learned counsel, the duties of the Ayahs in both institutions are only on a part-time basis, namely, for 3½ hours a day, consisting of 1½ hours in the morning and 2 hours in the evening. It is contended that where an employee is engaged only for 3½ hours a day and not for a full working day of eight hours, the provisions relating to payment of minimum wages are not attracted.

5. It is further submitted that the Assistant Inspector of Labour, on the basis of the inspection, concluded that the minimum wages payable to the Ayahs and other employee had not been paid and consequently filed applications before the first respondent under Section 20(2) of the Minimum Wages Act. The first respondent passed ex parte orders against the petitioner institutions on 16.08.2021. Aggrieved by the same, the petitioners filed applications to set aside the ex parte orders. However, the said applications were dismissed. Challenging the dismissal of those applications as well as the consequential orders, the present Writ Petitions have been filed.



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6.Learned counsel for the petitioners further submitted that under G.O(2D)No.61, Labour and Employment Department, dated 26.06.2018, the State Government, in consultation with the Advisory Board, revised the minimum rates of wages payable to employees engaged in coaching academies, tutorial colleges, technical institutes, primary or nursery schools, and English medium schools run on commercial lines without Government grant, other than those run by the Government or local bodies.

7.According to the learned counsel, Chandra Chutty School is only a crèche and is neither a grant-in-aid institution nor a Government-recognised school. It caters to children even prior to L.K.G. and U.K.G. and is not run on a commercial basis. The Ayahs employed therein work only for 3½ hours a day. Therefore, it is contended that the provisions of the Minimum Wages Act are not applicable. It is further submitted that, without jurisdiction, the second respondent initiated proceedings before the first respondent.



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8.Insofar as Chandra National School is concerned, though the institution may otherwise be covered by the notification, the Ayahs are engaged only for 3½ hours a day and, therefore, according to the petitioners, the Minimum Wages Act is not applicable to them as well. It is also contended that the first respondent passed the impugned orders without conducting a proper enquiry. Further, the institutions are situated in Zone-C and the employees concerned do not fall within the category of regular non-teaching staff but are only Ayahs. Hence, the impugned orders are liable to be interfered with.

9.Per contra, learned counsel for State appearing for the respondents submitted that the post of Ayah is also covered under G.O (2D) No.61, Labour and Employment Department, dated 26.06.2018, and the employees are entitled to minimum wages as notified therein. It is further submitted that the first respondent had afforded several opportunities to the petitioners by posting the matters on various hearing dates. However, the



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petitioners deliberately failed to appear before the authority, compelling the first respondent to pass the ex parte orders. Therefore, the impugned orders do not warrant any interference.

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

11.Admittedly, the second respondent, after conducting inspections in the respective institutions, initiated proceedings before the first respondent alleging non-payment of minimum wages to the Ayahs and other employee. Though the petitioners contend that the Ayahs were engaged only for 3½ hours a day, the said contention cannot be accepted. The materials available on record disclose that the duties of the Ayahs were not confined merely to taking care of the children, but also included maintaining the school premises and attending to other duties during the working hours of the institutions. Moreover, the petitioners have not placed any acceptable material before the authority to establish that the employees were engaged



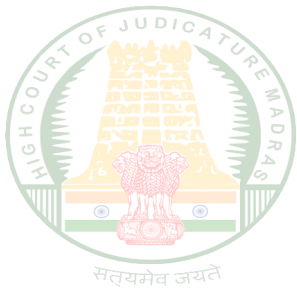
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WEB COPY only for 3½ hours a day.

12. Therefore, this Court finds no infirmity in the finding of the first respondent regarding the liability to pay minimum wages.

13. However, insofar as the penalty is concerned, this Court finds that the first respondent has imposed compensation at ten times the amount of the wage difference without assigning any specific reasons for awarding the maximum compensation, particularly while passing the ex parte orders. Though the authority is empowered to award compensation, the exercise of such discretion must be supported by reasons.

14. Considering the facts and circumstances of the case, this Court is of the view that the ends of justice would be met by modifying the compensation from ten times to one time the amount of the wage difference determined by the authority.



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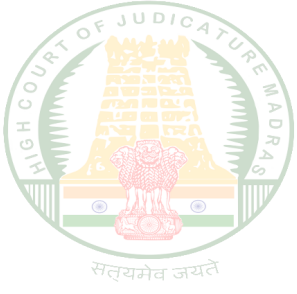
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15. Accordingly, the impugned orders are modified only to the extent of reducing the compensation from ten times to one time the amount determined by the first respondent. In all other respects, the orders of the first respondent are confirmed. The petitioners are directed to pay the modified amount, together with the wages determined by the authority, within a period of six (6) weeks from the date of receipt of a copy of this order.

16. With the above modification, these Writ Petitions are partly allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

14.07.2026

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

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