



W.P.No.15817 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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and

WMP.No.17127 of 2017

Vinayaka Missions Medical College,
Rep. by its Manager-Personnel S.Mohan,
Having its College at Keezhakasakudi Medu,
Kottucherry PO, Karaikal-609 609,
Puducherry State.

...Petitioner

Vs.

1. The Additional Secretary to Government (Labour),
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Puducherry.
2. The Joint Secretary to Government (Labour),
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Puducherry.

...Respondents

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for records of the impugned Notification
under G.O.Ms.No.11/Lab/AIL/G/2015 dated 09.10.2015 issued by the first



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respondent herein which was published in the Official Gazette of Puducherry dated 27.10.2015 and to quash the same as ultra vires, arbitrary , non-est in the eyes of Law, violating the principles of natural justice as it affects the petitioner Medical College herein.

For Petitioner : Mr.L.Swaminathan

For Respondents : Mr.A.Tamilvanan, AGP (Pondicherry)

ORDER

This Writ petition has been filed seeking quashment of the impugned Notification issued by the 1st respondent under G.O.Ms.No.11/Lab/AIL/G/2015 dated 09.10.2015.

2. The grievance of the petitioner is that the Government of Puducherry vide impugned Government Order, had amended or revised the minimum rates of wages payable to employees employed almost all the Medical Colleges operating within the Union Territory having no nexus to the prevailing rates in the neighbouring States. Hence, this writ petition.



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3. Learned counsel appearing for the petitioner submitted that the Government of Puducherry without giving any opportunity to the stakeholders issued the impugned Government Order. However, as per the Minimum Wages Act, once in five years the minimum rates of wages payable to employees have to be revised and already the five year period have elapsed and the impugned Government Order has not yet been implemented. Hence, this Court may close these writ petitions by granting permission to the respondent/Government of Puducherry to revise the minimum rates of wages payable to employees after providing opportunity to the stakeholders by following the procedures contemplated under the relevant Rules and Regulations.

4. In view of the above, this Court directs the respondent/ Government of Puducherry to revise the minimum rates of wages payable to employees after providing opportunity to the stakeholders by following the procedures contemplated under the relevant Rules and Regulations. Admittedly, the impugned Government Order has not yet been implemented. Hence, the impugned Government Order need not be implemented retrospectively.



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WEB COPY 5. With the above observations and directions, this Writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

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(1/2)

skt

Speaking Order : Yes/ No
Index : Yes/ No
NCC : Yes/ No

To

1. The Additional Secretary to Government (Labour),
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Puducherry.
2. The Joint Secretary to Government (Labour),
Government of Puducherry,
Chief Secretariat,
Goubert Avenue, Puducherry.



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WMP.No.17126 of 2017
in
W.P.No.15817 of 2017

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Dispense with ordered for the
present.

01.08.2023
(2/2)

skt