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W.P.No.7128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.7128 of 2024

and

WMP.Nos.7977 & 7978 of 2024

1.G.Raja

2.P.John Sebastian Arasi

...Petitioners

Vs.

1. The Secretary to Government,
Department of Medical Education,
Secretariat, Fort St.George
Chennai- 600 009.

2.The Director of Medical Education and Research,
Directorate of Medical Education and Research,
Kilpauk, Chennai- 600 010.

3.The Managing Director,
Tamil Nadu Medical Services Corporation Ltd.
No.417, Pantheon Road, Egmore,
Chennai-600 008.

4.The Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai-600 009.



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5.The District Collector,
Tiruppur District,
Tiruppur.

6.The District Collector,
Coimbatore District,
Coimbatore.

7.The Dean,
Government Medical College Hospital,
Tiruppur-641 018.

8.The Dean,
Government Medical College Hospital,
Coimbatore-641 605.

9.The Managing Director,
M/s.Krystal Integrated Services Pvt. Ltd.,
Krystal House, 15A/17, Shivaji Fort CH5,
Duncan Causeway Road,
Mumbai-400 022.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to pass appropriate orders on our representations dated 14.07.2023 and 28.12.2023 by taking action against the 9th respondent herein, who defrauded the daily wages of sanitary workers, watchman, etc., working in Tiruppur Medical College Hospital and Coimbatore Government Medical College Hospital and demanding implementation of Labour Welfare Laws and provision of basic facilities (i) to fix equal pay for equal work to the sanitary workers, watchman etc., who are working under Contract and Self



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Help Groups for several years by appointing them as permanent employees; (ii) to provide basic facilities such as rest room, toilet and paid leave to the cleaners working in the Government Hospitals and (iii) to implement the order of the Tiruppur and Coimbatore District Collectors by fixing Rs.725/- & Rs.721/- per day respectively as Minimum Wage for the Sanitary Workers, watchman etc., and pay the same with arrears.

Petitioners : A.Prakash

Respondents: Mr.K.Tippusulthan, Government Advocate
for RR1 to 4, RR7 and 8

Mr.P.Sanjaygandhi, Government Advocate
for RR5 & 6

R9- No appearance

ORDER

Writ petition is filed for a Writ of Mandamus directing the respondents to pass appropriate orders on their representations dated 14.07.2023 and 28.12.2023 by taking action against the 9th respondent herein, who defrauded the daily wages of sanitary workers, watchman, etc., working in Tiruppur Medical College Hospital and Coimbatore Government Medical College Hospital and demanding implementation of Labour Welfare Laws and provision of basic facilities (i) to fix equal pay



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for equal work to the sanitary workers, watchman etc., who are working under Contract and Self Help Groups for several years by appointing them as permanent employees; (ii) to provide basic facilities such as rest room, toilet and paid leave to the cleaners working in the Government Hospitals and (iii) to implement the order of the Tiruppur and Coimbatore District Collectors by fixing Rs.725/- & Rs.721/- per day respectively as Minimum Wage for the Sanitary Workers, watchman etc., and payment of the same with arrears.

2. It is the case of the 1st petitioner that he is working as Watchman under the 7th respondent on contract basis in the Tiruppur Government Medical College Hospital and the 2nd respondent is working as Sanitary worker under the 8th respondent. According to the petitioner, the 9th respondent as a contractor was initially paying Rs.331/- per day as wages and thereafter is paying Rs.475/- per day for the past two years. As the contractor was not paying the petitioner's the wages as fixed by the District



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Collector, the petitioner's gave representations to the respondents for taking action against the 9th respondent for defrauding the petitioner's and other workers like him. As no action was taken on the petitioner's representations dated 14.07.2023 and 28.12.2023, the petitioner's have approached this Court praying for issuance of a Writ of Mandamus to pass orders on the aforesaid representations and also for taking action against the 9th respondent as prayed in the writ petition.

3. The learned counsel for the petitioner's submits that the 3rd respondent entered into a contract with the 9th respondent for a period of 3 years from 15.03.2020 to 14.03.2024. The learned counsel further submits that as the contract has lapsed the respondents will be making the payment to the contractor shortly. The learned counsel therefore prays that a direction may be issued to the 1st respondent to pass orders on the petitioner's representations dated 14.07.2023 and 28.12.2023.



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4. The learned counsel appearing for Medical Education Department submits that the representations of the petitioner will be considered on merits and appropriate orders will be passed.

5. In view of the aforesaid submissions, a direction is issued to the 1st respondent to consider the petitioner's representations dated 14.07.2023 and 28.12.2023 on merits and in accordance with law and pass appropriate orders on or before 27.03.2024.

The writ petition is accordingly disposed of. No Costs. Consequently connected WMP's are closed.

15.03.2024

dsn

Index:Yes/No

Neutral Citation:Yes/No



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Note:

Issue order copy on 18.03.2024

To

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Department of Medical Education,
Secretariat, Fort St.George
Chennai- 600 009.

2.The Director of Medical Education and Research,
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7.The Dean,
Government Medical College Hospital,Tiruppur-641 018.



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8.The Dean,Government Medical College Hospital,
Coimbatore-641 605.

N.MALA,J.

dsn

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