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WP(C) No.8821 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 26TH DAY OF MARCH 2025 / 5TH CHAITHRA, 1947

WP(C) NO. 8821 OF 2025

PETITIONER:

KERALA PRIVATE HOSPITAL ASSOCIATION
HAVING ITS REGISTERED OFFICE AT KPHA HEAD QUARTERS,
ASHIR BHAVAN ROAD, KACHERIPPADY, ERNAKULAM, KOCHI ,
REPRESENTED BY ITS SECRETARY, DR. ANWAR ALI, AGED 52
YEARS, S/O MUHAMMED ALI.A., RAHMA GARDENS, VENGANNUR ,
ALATHUR P.O., PALAKKAD DISTRICT -, PIN - 678541

BY ADVS.
K.ANAND
BENNY ANTONY PAREL
GOWRI MENON
NANDHANA T.B.
ARCHANA N.

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY
TO GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE ADDL. CHIEF SECRETARY
LABOUR AND REHABILITATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 MINIMUM WAGES COMMITTEE - PRIVATE HOSPITALS
(CONSTITUTED AS PER G.O.(P) NO. 86/2023/LBR)



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REPRESENTED BY ITS CHAIRMAN / THE LABOUR COMMISSIONER,
THOZHIL BHAVAN, PMG JUNCTION, THIRUVANANTHAPURAM, PIN -
695001

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
SMT.SABEENA P. ISMAIL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 26.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The Kerala Private Hospitals Association (hereinafter referred as 'the Association') has filed this writ petition for the following reliefs:

- (i) Call for the records leading to Exhibit P-7 Minutes (Meeting of the Minimum Wages Committee held on 23.12.2024) and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction;
- (ii) Declare that the meeting of the Minimum Wages Committee held on 23.12.2024, in which Exhibit P-7 Minutes has been recorded, has been held illegally and hence is of no consequence.

2. The averments of the petitioner in paragraphs 7 to 12 of the writ petition are as follows:

"7. Going by Exhibit P-1, the term of the Minimum wages Committee constituted expired on 10.04.2024. But even without extending the term of the Committee, meetings were convened on 12.06.2024, 15.10.2024 and 05.11.2024. It is pertinent to point out that conduct of these three meetings was not legally valid as the committee was not in existence. In the meeting held on 05.11.2024, it was proposed by the chairman of the meeting that a draft



proposal will be prepared by the Labour Department, which decision was directed to be signed by the representatives of the Management side also. This was stoutly opposed by some representative of the Management side. True copy of the minutes of the meetings dated 05.11.2024 is produced herewith and marked as Exhibit P4.

8. The term of the committee was extended only on 11.12.2024. i.e. after a lapse of 8 months. True copy of the Government Notification No. G.O. (P) No. 89/2024/LBR dated 11.12.2024 is produced herewith and marked as Exhibit P5. From this becomes evident that all the discussion and decisions taken in the meetings between 11.10.2023 and 11.12.2024 are illegal.

9. Consequent to the decision taken in the illegal meeting held on 05.11.2024, the Chairperson presented a draft proposal without following the directives of the Hon'ble Supreme Court and '1957-Indian Labour conference' which is strongly objected by the Representatives of management side in the meeting held on 12.12.2024. True copy of the draft proposal presented by the Chairperson/Labour Commissioner dated 12.12.2024 is produced herewith and marked as Exhibit P6.

10. The Chairperson of the committee, has without following the procedure laid down in Rule 15 of The Kerala Minimum Wages Rules, 1958 and the objection raised by the Management, and taking into consideration the opinion of the representatives of the trade union alone, has, in a biased manner decided to forward the proposal prepared by



the Labour Department, to the Government for revising the rate of wages. True copy of the minutes of the meeting dated 23.12.2024 is produced herewith and marked as Exhibit P7.

11. It is also evident from Exhibit P-7 that when the meeting was convened on 23.12.2024, the Chairperson has permitted the participation of persons other than those notified in Exhibit P-1, which makes the very constitution of the committee illegal.

12. It is pertinent to point out that since the statutory provision has not been complied with in Exhibit P-7 meeting, there is no proper 'advice' as contemplated in Sec.5 (1) (a) of The Minimum Wages Act, permitting the Government to go ahead with the revision of wages as per Sec.5 (2) of The Minimum Wages Act. But at present based on the decision taken at the meeting held on 23.12.2024, it is understood that the State Government will proceed with and revise the minimum rate of wages of employees in Private Hospital Sector without considering the objection and opinion of members of the petitioner's association".

3. A counter affidavit has been filed on behalf of respondents 1 and 2 and paragraph 15 thereof reads as follows:

"15. At present, action is being taken by the Government to extend the term of Exhibit P1 Committee dated 11.10.2023 for a further period of 6 months from 01.01.2025 to submit a report to the Government on the matter of revising the minimum wages of the workers in the



Private Hospital Sector and to request the said committee to furnish a detailed recommendation regarding the revision of the minimum wages of the workers in the above sector within a time limit".

4. Smt.Sabeena P. Ismail, the learned Government Pleader submits that the term of the Committee constituted as per Ext.P1 has been extended for six months from 01.01.2025 and the said Committee will furnish a detailed recommendation regarding the revision of minimum wages of the workers in the Private Hospital Sector in terms of Section 5(1)(a) of the Minimum Wages Act, 1948 read with Rule 15 of the Kerala Minimum Wages Rules, 1958. In view of the submission of the learned Government Pleader and the averments in paragraph 15 of the counter affidavit, the apprehension of the petitioner that the Government would proceed with and revise the minimum rate of wages of employees in Private Hospital Sector on the basis of Ext.P7 recommendation is of no basis.

5. Smt.Sabeena further submits that in view of the fresh recommendation to be furnished by the Committee, the apprehension of the petitioner regarding the draft proposal to be



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submitted by the Labour Department to the Government as resolved in Ext.P4 is also without any basis.

In view of the submissions made as aforesaid, there will be a direction to the Chairman of the 3rd respondent Committee to convene a meeting of the Committee for furnishing fresh recommendation regarding the revision of minimum wages of workers in the Private Hospital Sector de hors the decisions in Exts.P4 and P7, as expeditiously as possible, at any rate, within a period of two months from today. It is made clear that the petitioner-Association shall co-operate with the 3rd respondent-Committee.

The writ petition is disposed of.

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

smp



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APPENDIX OF WP(C) 8821/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE GOVERNMENT NOTIFICATION NO. G.O. (P) NO. 86/2023/LBR ISSUED BY GOVERNMENT OF KERALA DATED 11.10.2023
Exhibit P2	TRUE COPY OF THE MINUTES OF THE MEETING OF THE COMMITTEES DATED 18.12.2023
Exhibit P3	TRUE COPY OF THE SUGGESTION SUBMITTED BY THE REPRESENTATIVES OF THE MANAGEMENT DATED 30.01.2024
Exhibit P4	TRUE COPY OF THE MINUTES OF THE MEETINGS DATED 05.11.2024
Exhibit P5	TRUE COPY OF THE GOVERNMENT NOTIFICATION NO. G.O. (P) NO. 89/2024/LBR DATED 11.12.2024
Exhibit P6	TRUE COPY OF THE DRAFT PROPOSAL PRESENTED BY THE CHAIRPERSON/LABOUR COMMISSIONER DATED 12.12.2024
Exhibit P7	TRUE COPY OF THE MINUTES OF THE MEETING DATED 23.12.2024