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W.P.No.7253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.08.2025

Pronounced on: 04.11.2025

CORAM:

THE HON'BLE Mr.JUSTICE **P.DHANABAL**

**W.P.No.7253 of 2024 &
W.M.P.No.8101 of 2024**

Manipal Hospital
rep. by its Hospital Director
Mr.B.Gururagvendran
Dalmia Board, Salem – Bangalore Highway,
Salem – 636 012

... Petitioner

Vs.

1. The Joint Commissioner of Labour, Salem
Office of the Commissioner of Labour
Periyakollappatty Salem

2. The Assistant Inspector of Labour,
Mettur

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in M.W.Case No.39 of 2022 and quash the order dated 26.09.2023 passed by the 1st respondent and forbear the 1st respondent from taking any coercive steps.



W.P.No.7253 of 2024

For Petitioner : Mr.Anand Gopalan

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

ORDER

This petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the 1st respondent in M.W.case No.39 of 2022 dated 26.09.2023 and forbearing the 1st respondent from taking any coercive steps.

2. The learned counsel for the petitioner would submit that

(i) the petitioner is a Member of Association of Health Care Providers India registered Society, [for brevity, hereinafter referred to as AHPI] representing majority of private Health Care Providers in India with more than 12,000 Indian Hospitals and its members. The Labour and Employment (J1) Department vide G.O.2(D) No.24 dated 02.03.2018 revised the minimum wages without factoring the cost and various other factors involved in functioning of the hospital.

(ii) The AHPI on behalf of its members had sent various representations to the State with regard to the revised rates, as it is too high and several crucial aspects of maintenance cost and functioning of the hospital. Thereafter, AHPI filed a Writ Petition in W.P.(MD)



W.P.No.7253 of 2024

No.11580 of 2018 before the Madurai Bench of Madras High Court and Interim Stay was granted and again, the AHPI filed another Writ Petition in W.P.(MD) No.333 of 2020 seeking to include AHPI Members in the State Association formed under G.O.Ms.No.116 dated 16.07.2019 Labour and Employment (J2) Department to arrive at a decision after doing costing of medical procedures and till such time, no action be taken against AHPI and its members. This Court, on 24.03.2021, passed an order that interest of the members of the association can be protected till the Committee under Section 9 of the Act is reconstituted and the minimum rates of wages for the Healthcare Providers are revised.

(iii) The Government also appointed new committee under Minimum Wages Act and the 2nd respondent visited the hospital on 25.07.2022, at that time, the 2nd respondent represented that the minimum wages has not been paid as per G.O.(2D) No.24 dated 02.03.2018. Thereafter, the petitioner filed counter in the main application, but the 1st respondent had passed impugned order declaring that the petitioner is liable to pay Minimum Wages, as per G.O.(2D) No.24 dated 02.03.2018. In fact, no applications filed by the employees of the hospital and the 1st respondent himself without any basis passed the impugned order. The Government after considering the various orders passed by this Court and the representations from AHPI,



W.P.No.7253 of 2024

subsequently, constituted a new committee, through G.O.No.506 dated 17.10.2022 to review and revise the minimum wages, while pending with review committee, the 1st respondent has passed the impugned order.

(iv) The period of claim for minimum wages made by the 2nd respondent is from November 2021 to March 2022. As per Section 20(2) of Minimum Wages Act, limitation for claiming minimum wages is six months from the date of inspection by the 2nd respondent. Hence the same is totally erroneous. Moreover, subsequent to the order passed by the 1st respondent, the Government has passed G.O.(2D) No.21 dated 26.05.2025, therefore, the order passed by the 1st respondent is liable to be set aside.

3. The learned Additional Government Pleader appearing for the respondents would submit that on 27.05.2022 when the petitioner-hospital was inspected by the respondents-authorities, they found that the minimum wages fixed by the Government for the workers working under the petitioner-hospital has not been paying. The Government passed G.O.2D No.24 Labour and Employment (J1) dated 02.03.2018 by fixing minimum wages, but the petitioner-Hospital has not paid the wages for 36 employees. Therefore, the 2nd respondent filed petition before the 1st respondent in M.W.Case No.39 of 2022 for a direction to



W.P.No.7253 of 2024

pay minimum wages to the employees of the petitioner, as per the Government Order dated 02.03.2018. The 1st respondent after hearing both sides and after affording opportunity to both the parties allowed the petition and directed the petitioner hospital to pay difference amount payable to the employees and the petitioner-hospital also not raised any objection in respect of the wages paid to the employees. Therefore, the 1st respondent passed an impugned order as per Law. As far as the subsequent Government Order is concerned, in supersession of the earlier Government Order, the present Government Order has been issued. Therefore, the petitioner is liable to pay the wages as per the Government Order dated 02.03.2018 and this Writ Petition is liable to be dismissed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents placed on record.

5. In this case, according to the 2nd respondent, the petitioner-hospital has not paid the minimum wages to its employees. When the 2nd respondent inspected the hospital, they found that for 36 employees, the petitioner hospital did not pay the minimum wages fixed by the Government in G.O.2D No.24 dated 02.03.2018. Hence the 2nd



W.P.No.7253 of 2024

respondent filed a petition before the 1st respondent for direction to direct the petitioner-hospital to pay the difference wages to the employees under the Minimum Wages Act. After hearing both sides, the 1st respondent passed the impugned order by directing the petitioner to pay the differential amount as calculated by the 2nd respondent in the petition filed by him. According to the petitioner, the Government Order dated 02.03.2018 has not considered various aspect and thereby the petitioner approached the Government to review the said Government Order and before taking decision by the Government, the impugned order has been passed by the 1st respondent. Further, after passing the impugned order during the pendency of this petition the said Government Order dated 02.03.2018 was superseded by another Government Order dated 26.05.2025.

6. It is an admitted fact that the Review Committee was appointed vide G.O.(D) No.458 Labour Welfare and Skill Development (J2) Department dated 27.06.2024 to review the order in G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, in the meantime, the the present impugned order was passed on 20.06.2022. Thereafter, in supersession to the G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, the G.O.(2D) No.21 Labour Welfare and Skill Development (J1) Department dated 26.05.2025 has been passed,



W.P.No.7253 of 2024

therefore, the order passed by the authority by relying upon the earlier G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018 is liable to be set aside.

7. At this stage, the learned counsel for the Writ Petitioner would submit that since fresh Government order has been passed in supersession of the earlier Government Order in G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, the employees are entitled to that amount from the date of passing of the Government Order, since retrospective effect has not been given in the fresh Government Order. It is relevant to note that the period of disputed wages are from November, 2021 to March 2022.

8. The above said aspect put-forth by the learned counsel for the Writ Petitioner cannot be considered by this Court at this stage because this Writ Petition is challenged against the order passed by the 1st respondent by relying upon earlier Government Order, viz., G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018. The said subsequent G.O.2D No.21 has been passed on 26.05.2025 and the date of applicability of the said Government Order need to be tested elaborately, thereby it is not proper to interpret the Government Order in respect of its date of applicability, since there are no pleadings to that



W.P.No.7253 of 2024

regard. It is true that subsequent event also can be looked into, but in this case it needs elaborate pleadings and arguments. The parties can approach the appropriate authority either for clarification of new G.O., viz., G.O.(2D) No.21 Labour Welfare and Skill Development (J1) Department dated 26.05.2025 either in respect of its date of applicability or if any arrears to be payable by the Management / Writ Petitioner.

9. Therefore, in view of the subsequent Government order, viz., G.O.(2D) No.21 Labour Welfare and Skill Development (J1) Department dated 26.05.2025 in supersession of the earlier Government Order, the order passed by the 3rd respondent in M.W.Nos.2 of 2018, 1 of 2021 and 12 of 2021 dated 20.06.2022 based on the earlier Government Order cannot be sustained. Moreover, in this case, the employees of the petitioner-hospital have not raised any objection in respect of the wages paid to them and before the 1st respondent, there is no / any material produced by the 2nd respondent to prove the actual wages paid to the employees of the petitioner – hospital. Therefore, it is for the employees of the petitioner-hospital to take appropriate steps, if the minimum wages have not been paid to them in accordance with law.



W.P.No.7253 of 2024

In the result, the instant Writ Petition is allowed and the order passed by the 1st respondent dated 26.09.2023 is quashed.

Consequently, connected miscellaneous petition is closed. No costs.

04.11.2025

Index:Yes/No

Internet:Yes/No

Speaking / Nonspeaking order

ssd

To

1. The Joint Commissioner of Labour, Salem
Office of the Commissioner of Labour
Periyakollappatty Salem
2. The Assistant Inspector of Labour,
Mettur



WEB COPY



W.P.No.7253 of 2024

P.DHANABAL, J.

ssd

Pre-delivery Order in
W.P.No.7253 of 2024

04.11.2025