



WEB COPY



W.P.No.19110 of 2022

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.19110 of 2022 &
W.M.P.Nos.18412 and 28149 of 2022**

The Crescent Hospital
rep. by its General Secretary,
No.91, Doctor Beasant Road,
Royapettah, Chennai - 600 014

... Petitioner

Vs.

1. The Chennai Metro Podhu Matrum Oppandha
Thozhilalar Sangam,
No.45, Sivalingapuram,
New Colony 86th Street,
13th Sector, K.K.Nagar, Chennai - 600 078

2. S.Abdul Rahman

3. The Joint Commissioner of Labour
Authority under Minimum Wages Act
DMS Compound, Thenampet,
Chennai

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari to call for the records of the 3rd respondent relating to the order passed in M.W.Nos.2 of 2018, 1 & 12 of 2021 dated Nil on the file of the 3rd respondent, which was received by the petitioner on 23.06.2022 and quash the same.



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For Petitioner : Mr.S.Ravindran, Senior Counsel for
Mr. L.Chandrakumar

For Respondents : Mr.S.T.Varadarajulu for R1
Mr.L.S.M.Hasan Fizal for R3
Additional Government Pleader
R2 - No appearance

ORDER

This Writ Petition has been filed by the petitioner as against the order passed by the 3rd respondent / Joint Commissioner of Labour, Authority under Minimum Wages Act, Chennai relating to the order passed in M.W.Nos.2 of 2018 and 1 and 2 of 2021 dated Nil received by the petitioner on 23.06.2022 and to quash the same.

2. The learned counsel for the Writ Petitioner would submit that,

(i) The petitioner-hospital is run by a Minority Muslim Community and the main aim and object of the Hospital is to render service to the poor without distinction of religion, caste, creed or colour. The said hospital is run by donation received from the philanthropist, a non-profit basis entirely dedicated to the welfare of poor by charging minimum fees for consultation and the hospital is visited by part-time visiting doctors and consultants and they also received minimum fees. The said hospital has 22 permanent employees and 23 beds and the employees of the hospital are paid monthly salary on the basis of their educational qualification and experience. The employees are designated according



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to their experiences and qualification and salary paid to them are on par with other hospital in Chennai.

(ii) The employees of the hospital have joined the 1st respondent / Union and raised a dispute before the 3rd respondent claiming wages, as per G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018 on the basis that the petitioner-hospital is 50 bedded hospital and minimum wages shall be paid in terms of notification and claimed arrears of wages also. The 2nd respondent also individually joined the 1st respondent and claimed minimum wages, even though he had left the service in the year 2020. All the petitions were numbered as 2/2018, 1/2021 and 12/2021 before the 3rd respondent. The petitioner-hospital filed a detailed counter that the Government of Tamilnadu have the Minimum Wages Committee to look into the grievances raised by the employees of the hospitals and that process is still going on and therefore, the petitioner wanted the 3rd respondent to keep the cases in abeyance till the review is completed. Further, the hospital has also has only 23 beds, which will fall under Annexure I of the Notification dated 02.03.2018 in G.O.Ms.No.24, Labour and Employment and most of the employees' designation and category will not fall under the class of employees as stated in the notification.



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(iii) During the enquiry, on the side of the respondents 1 and 2, 13

documents were marked as Exhibits and on the side of the Petitioner / Management, 4 documents were marked as Exhibits. After examination and cross examination of the witnesses, the cases were posted for arguments. While so, the 3rd respondent has passed an Common Order dated Nil, which was received by the petitioner on 23.06.2022. The 3rd respondent, in that order stated that the petitioner-hospital is 45 bed hospital contrary to the documents filed by the petitioner and computed salary on the basis of Annexure II of G.O.Ms.24 (D) Labour and Employment dated 02.03.2018 and directed the petitioner-Hospital to pay the sum of Rs.34,90,511/- within 30 days. In fact, the documents filed by the petitioner under Ex.R.1 clearly establishes that the petitioner-hospital is 23 Bed Hospital, but the authority wrongly came to the conclusion it is 45 Bed Hospital. The employees also admitted the monthly wages in terms of Ex.R3 and the 3rd respondent, ought to have proceeded on the basis of Ex.R3. Exs.P.7 and P.8 cannot be relied upon as the 3rd respondent was not able to establish as to how those documents came to be in possession of the 2nd respondent.

(iv) The 3rd respondent without giving an opportunity to the petitioner / hospital to submit the arguments, passed the impugned order. Moreover, in supersession to the G.O.2(D) No.24 Labour and



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Employment (J1) dated 02.03.2018, the G.O.No.(2D) of Labour Welfare and Skill Development Department dated 26.05.2025 was passed, therefore, the order passed by the 3rd respondent under the Minimum Wages Act is liable to be quashed.

2. The learned counsel appearing for the 1st respondent would submit that the members of the 1st respondent, who are working under the petitioner's Hospital have not been paid the basic salary fixed by the Authority under the payment of Minimum Wages Act, therefore, they have filed applications before the authority. As per G.O.Ms. G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, the Government has passed an order by fixing minimum wages and there are more than 50 beds in the petitioner/Hospital, which comes under the Category II. Since the petitioner's hospital has not paid the minimum wages, as per the said G.O., the respondents 1 and 2 have filed applications before the 3rd respondent and the 3rd respondent, after considering the materials placed on record and the G.O.2(D) No.24 Labour Employment (J1) dated 02.03.2018, passed the impugned order by fixing Combined Minimum Wages, which is liable to be confirmed.



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3. The learned Additional Government Pleader appearing for the 3rd respondent would contend that only after considering the entire materials placed on record at the relevant point of time, the impugned order has been passed based on the G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, therefore, the Writ petition is liable to be dismissed.

4. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the 3rd respondent and perused the documents placed on record.

5. Before the 3rd respondent, who is the authority under Minimum Wages Act, the respondents 1 and 2 have filed applications under Section 20(3) of the Minimum Wages Act for Payment of the difference between the wage payable under the Minimum Wages Act & the Wages actually paid and compensation amounting to 18% interest. The 2nd respondent, through a Claim Petition in M.W.No.1 of 2020, claimed a sum of Rs.2,10,607/-. The 1st respondent filed a combined claim petition in M.W.No.2 of 2018 alleging that there are wages dues as per the Annexure, therefore, a direction may be issued under Section 20(3) of the Act. In the said application estimatory relief sought for by them to



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the tune of Rs.8,60,458/- for the payment of difference between payable under Minimum Wages Act and the wages actually paid and compensation amounting to 18% interest, wherein they have only filed a calculation memo and they have not mentioned as to how the minimum wages payable to them. However, the authority, namely, the 3rd respondent under the Minimum Wages Act, after analysing the evidence adduced on both sides, came to the conclusion that as per G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018, the petitioner-Hospital is liable to pay the amount. Though the review committee was appointed to review the wages passed in G.O.2(D) No.24 Labour and Employment (J1) dated 02.03.2018 there was no stay order granted as against the said Government Order. Hence the 3rd respondent-authority passed an order directing the petitioner-Hospital to pay the difference of amount and accordingly, allowed the applications.

6. According to the Writ Petitioner, no opportunity was given to put-forth their arguments and the authority also in the impugned order admitted that no arguments have been adduced by the petitioner, inspite of ample opportunity given to them, the petitioner has not filed the arguments.



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7. 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, 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.

8. 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, the subsequent G.O.2D No.21 has been passed on 26.05.2025 and the date of applicability of the said G.O.(2D) No.21 Labour Welfare and Skill Development (J1) Department dated 26.05.2025, thereby it is not proper to interpret the Government Order in respect of its date of applicability even without any proper pleadings to that regard. It is true subsequent events also can be looked into, but in this case, it needs elaborate pleadings and arguments. In the earlier Government Order in G.O.2(D) No.24 Labour



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and Employment (J1) dated 02.03.2018, the petitioner is 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. The learned counsel appearing for the 1st respondent would submit that already earlier G.O.2D No.24 was passed on 02.03.2018 by fixing minimum wages and in supersession of that Government Order, the subsequent G.O.No.2D No.21 dated 26.05.2025 was passed therefore, the benefits of G.O.No.2D No.21 are to be extended from 02.03.2018. Though the G.O. dated 26.05.2025 is not retrospective the word supersession given combined the meaning therefrom. It is relevant to note that the period of disputed wages are from May, 2018 to September, 2018, July 2019 to December, 2020 and April 2018 to June, 2020.

9. The above said aspect put-forth by the learned counsels for the writ petitioner and the 1st respondent cannot be considered by this Court at this stage, because in this Writ Petition the petitioner has challenged the order passed by the 3rd 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



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to interpret the Government Order in respect of its date of applicability, since there are no pleadings to that 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 in respect of its date of applicability or if any arrears payable by the Management / Writ Petitioner, through separate proceedings.

10. 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. As per the order of this Court, the petitioner deposited the money and the same can be withdrawn by the petitioner.

In the result, the instant Writ Petition is allowed and the order passed by the 3rd respondent dated 20.06.2022 is quashed. Consequently, connected miscellaneous petitions are closed. No costs.

04 .11.2025

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd



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To

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2. The Joint Commissioner of Labour
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P.DHANABAL, J.

ssd

Pre-delivery Order in
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