



W.P.(MD) No.9372 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9372 of 2025

and

W.M.P.(MD) Nos.7000 and 7002 of 2025

- 1.C.Kalavathi
- 2.N.Gowthami
- 3.M.Eswaran
- 4.R.Sivakumar
- 5.T.Azhagammal
- 6.P.Maheswari
- 7.M.Meena
- 8.P.Kannammal
- 9.S.Karthika
- 10.E.Muppidathi
- 11.S.Sathya
- 12.P.Murugan
- 13.M.Amuthavalli
- 14.M.Kavitha
- 15.V.Aruna



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16.M.Jeevitha

17.S.Chitra

18.R.Indurani

19.M.Mahalakshmi

20.M.Bagawathi

21.M.Eswari

22.A.Mercy Vasantha

23.G.Sumathi

24.G.Dineshkumar

25.M.Selvaganapathi

26.P.Pechiyammal

27.A.Rajangam

28.R.Kamatchi

29.M.Kowsik

30.S.Selvaraj

31.P.Esther Rani

32.M.Manimozhi

... Petitioners

Vs.

1.The Secretary to Government,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai-600 009.



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2.The Director of Medical and
Rural Health Services,
Directorate of Medical and Rural
and Health Services,
DMS Complex, No.361, Annasalai,
Teynampet, Chennai-600 006.

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

4.The Joint Director of Health Services,
Government District Headquarters Hospital,
Periyakulam, Theni-625 601.

5.The District Collector,
District Collector Office,
Theni, Theni (DT).

6.The Chief Medical Officer,
Mahathma Gandhiji Government Hospital,
LF, Main Road, Cumbum, Theni (DT)-625 516.

7.The Managing Director,
M/s.Quality Property Management Services Pvt. Ltd.,
Flat No.GD Coral Garden,
D/No.38, 2nd Main Road,
RA Puram, Chennai-600 028.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the Respondents No.1 to 6 to pay the petitioners the arrears of difference in wages between minimum rates of



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wages fixed and notified by the 5th Respondent District Collector, Theni District for the posts/categories and grades in which the petitioners have been working for the years 2022-2023, 2023-2024 and 2024-2025 and to recover the same from the 7th Respondent; to pay the petitioners the 1/30th of the basic pay and dearness allowance as applicable to the entry level regular employees working in the same categories of posts, as revised from time to time or to pay the petitioners the minimum rates of wages fixed by the District Collector, Theni as revised for every year whichever is higher; to extend the petitioners the casual leave, medical leave, earned leave and maternity leave and all other benefits and facilities, including basic amenities as applicable to regular employees belonging to the petitioners' category and to continue the petitioners' services directly till the petitioners attain the age of superannuation, based on the petitioners' joint representation dated 13.03.2025 which the petitioners have made to the respondents 1 to 5.

For Petitioners : Mr.V.Ajay Khose

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for RR1, 2 and 4 to 6

: Mr.M.P.Senthil - for R3

: Mr.B.Raja - for R7



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ORDER

Though this writ petition has been filed seeking multiple reliefs, learned counsel appearing for the petitioners confined the relief only to the extent of payment of minimum wages in terms of the notifications issued by the Respondent No.5-District Collector.

2. All the petitioners herein are employees working under the Respondent No.7, in terms of the letters of intent issued by the Respondent No.3.

3. The grievance of the petitioners is that they are not being paid the minimum wages in terms of the notification issued in proceedings R.O.C.No.7133/2022/E2, dated 20.06.2022 for the year 2022-2023 and the similar notification issued for the year 2023-2024 *vide* R.O.C.No. 12344/2023/E2, dated 29.06.2023 and so also in respect of the notification issued by the Respondent No.5-District Collector in respect of the year 2024-2025 *vide* R.O.C.No.12599/2024/E2, dated 19.07.2024.



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4. Admittedly, the petitioners are all working under the Respondent No.7 and the Respondent No.7 is paying wages for the services rendered by the petitioners. Their grievance is that the Respondent No.7 is not paying the minimum wages in terms of the notifications issued by the District Collector.

5.A perusal of the letter of intent issued in favour of the Respondent No.7 by the Respondent No.3 discloses that the Respondent No.7 is under obligation to pay salary to the Supervisors, house keeping salary and other employees like the petitioners at the rate not less than the minimum wages fixed by the District Collector. The relevant clause from the letter of intent issued in favour of the Respondent No.7 at Clause 11(a) reads as under:

“11.Payment of wages and compliance to other statutory provisions:

a) The salary to the supervisors, Housekeeping worker, security, Electrician, Cook, Plumber, Dhobi, Gardner, Carpenter and security should not be less than the minimum wages fixed by the respective district



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Collectorate. The daily rate is to be multiplied for number of days of duty attended. You should comply with the above provisions strictly irrespective of the rates quoted by you for the man power cost in your bid.”

6. No doubt, the official respondents have taken a stand that they have been paying wages/salary in terms of the notifications issued by the District Collector to the Respondent No.7. But on that count, the official respondents cannot escape the liability to enforce the conditions imposed in the letter of intent, in specific Clause 11(a).

7. The learned counsel appearing for the Respondent No.7 also does not dispute the liability of the Respondent No.7 to pay wages to the employees working for Respondents No.3 and 4 in terms of Clause 11(a) extracted herein above.

8. In the light of the above, whether the petitioners herein are being paid salary/wages in terms of Clause 11(a) or not is not a matter that can be enquired into by this Court in a writ petition filed under Article 226 of the



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Constitution of India. As the Respondent No.3 is the authority who awarded the letter of intent in favour of the Respondent No.7, imposing condition as noted hereinabove, it is obligatory on the part of the Respondent No.3 to ensure that the Respondent No.7 complies with Clause 11(a) of the letter of intent in its strict sense and also in the light of Section 21 of the Contract Labour (Regulation and Abolition) Act, 1970

9. In the circumstances, this Court is of the considered view that there is no need to go into the merits of the case and accordingly, this writ petition is disposed of directing the Respondent No.3 to enquire into the matter as to whether the wages that are being paid to the petitioners herein in terms of Clause 11(a) and other similar clauses incorporated in the other letters of intent for the year 2022-2023 and 2023-2024 onwards and ensure that wages are paid to the petitioners herein or not in terms of the above said Clause 11(a). Respondent No.3 shall pass appropriate orders after conducting an enquiry by affording opportunity to the petitioner as well as the Respondent No.7 as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.



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10. Insofar as the other reliefs sought in the writ petition are concerned, the petitioners are granted liberty to pursue the remedies in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.04.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1.The Secretary to Government,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of Medical and
Rural Health Services,
Directorate of Medical and Rural
and Health Services,
DMS Complex, No.361, Annasalai,
Teynampet, Chennai-600 006.



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MUMMINENI SUDHEER KUMAR, J.

ABR

3.The Joint Director of Health Services,
Government District Headquarters Hospital,
Periyakulam, Theni-625 601.

4.The District Collector,
District Collector Office,
Theni, Theni (DT).

5.The Hospital Superintendent,
Government District Headquarters Hospital,
Periyakulam, Theni (DT).

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