



W.P.(MD) No.28304 of 2024

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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.28304 of 2024

and

W.M.P.(MD) Nos.23990 and 23991 of 2024

1.S.Murugan

2.M.Ganesan

... Petitioners

Vs.

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.

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



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4.The District Collector,
Theni District, Theni.

5.The Hospital Superintendent,
Government District Headquarters Hospital,
Periyakulam, Theni District.

6.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, directing the Respondents No.1 to 6 herein to pass appropriate orders on the petitioners' representations dated 08.04.2024 and 20.06.2024 by taking action against the 6th Respondent herein, who defrauded the daily wages of sanitary workers, dhobi, watchman, etc., working in Government District Headquarters Hospital, Periyakulam and demanding for the 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-Help Groups for several years by appointing them as permanent employees; (ii) to provide paid leave wages, ESI, PF and Bonus along with basic facilities such as rest room, toilet and paid leave to the sanitary workers working in the Government Hospitals; and (iii) to implement the order of the Theni District Collector by fixing Rs.867/- per day for Dhobi and Rs.641/- per day for



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Watchman/Scavenger/Sweeper/Sanitary worker respectively as Minimum Wage for the Sanitary Workers, Dhobi, Watchman etc., and pay the same with arrears of pending salary dues from 2021-2022 to 2023-2024.

For Petitioners : Mr.A.Aruljenifer

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for RR1, 2, 4 & 5

: Mr.M.P.Senthil - for R3

: Mr.B.Raja - for R6

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.4-District Collector.

2. All the petitioners herein are employees working under the Respondent No.6, in terms of the letters of intent issued by the Respondent No.3.



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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.

4. Admittedly, the petitioners are all working under the Respondent No.6 and the Respondent No.6 is paying wages for the services rendered by the petitioners. Their grievance is that the Respondent No.6 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.6 by the Respondent No.3 discloses that the Respondent No.6 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



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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 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.6. 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).



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7. The learned counsel appearing for the Respondent No.6 also does not dispute the liability of the Respondent No.6 to pay wages to the employees working for Respondent No.3 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 Constitution of India. As the Respondent No.3 is the authority who awarded the letter of intent in favour of the Respondent No.6, imposing condition as noted hereinabove, it is obligatory on the part of the Respondent No.3 to ensure that the Respondent No.6 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



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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.6 as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

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



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To

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MUMMINENI SUDHEER KUMAR, J.

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