

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.16326 to 16328 of 2015
and
M.P.Nos.1,1,1 & 2,2,2 of 2015

Kandhan Knitss
rep.by its Authorized Signatory
P.Dhanapal
Door No.13, Pachamalai Adivaram
Gobichettipalayam 638 476
Erode District ...Petitioner in W.P.No.16326 of 2015

Riverbay International
rep.by its Authorised Signatory
L.Aravindhan
8/71 M, KP Nagar, Chinnapudur
Pooluvapatti (PO)
Tirupur-2 ...Petitioner in W.P.No.16327 of 2015

Win Export
rep.by its Authorised Signatory
K.Sasikala
SF 47, Venus Garden
Mangalam Road
Tirupur 641 687 ...Petitioner in W.P.No.16328 of 2015

State of Tamil Nadu
rep.by its Secretary
Labour and Employment Department
Fort St.George
Chennai 600 009 ...Respondent in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the entire records which culminated in the impugned Government Order in G.O.(2D) No.59, Labour and Employment (J1) Department dated 10.10.2014 and published

in Part II - Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014 and quash the same as arbitrary, illegal and without following the mandatory requirements of the Minimum Wages Act, 1948 insofar as the petitioners are concerned.

For Petitioners : Mr.P.Saravana Sowmiyan
For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

These writ petitions are directed against the impugned G.O.(2D) No.59, Labour and Employment (J1) Department dated 10.10.2014, as published in Part II - Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014, to quash the same as arbitrary, illegal and without following the mandatory requirements of the Minimum Wages Act, 1948 so far as the petitioners are concerned.

2. Learned counsel for the petitioners submitted that the petitioners companies are engaged in the manufacture of various types of ready made garments and exporting the same to various countries such as USA, UK and European countries. Nearly 500/100/60 employees are working in the petitioners companies under various categories such as Checker, Tailor and Helper and they have been adopting the minimum wages fixed by the Government of Tamil Nadu for their employees. Under Section 3 of the Minimum Wages Act, 1948, the employers are bound by the notification fixing either the minimum rate of wages or remuneration. Being so, the minimum rates of wages for employment in tailoring industry have been periodically revised by the Government of Tamil Nadu and the last revision was made in G.O.(2D) No.74, Labour and Employment Department dated 10.12.2004. It is also claimed by the petitioners that among other classes of workers in the tailoring industry, the minimum wages for the categories of Iron men, Pressers, Packers, Layers, Helpers and Apprentices was fixed at Rs.1,981/-. While the said Government Order was being followed, the respondent has revised the minimum rates of wages for employment in tailoring industry by exercising its power conferred under Section 3(1)(b) and Section 5(2) of the Minimum Wages Act through the impugned Government Order superseding the earlier Government Order dated 10.12.2004. Therefore, the grievance of the petitioners in the above background shows that by the impugned Government Order, the respondent has drastically revised the minimum rates of wages by more than 2½ times. The further grievance of the petitioners is that when even in the neighbouring States of Andhra

Pradesh and Karnataka, the rates of minimum wages including the VDA has been fixed at Rs.5,523/- and Rs.6,566/- respectively, the Government of Tamil Nadu cannot revise the same to Rs.7,026/-. Therefore, the wages fixed in Tamil Nadu being higher than the neighbouring States, as a result, the petitioners are unable to comply with the conditions.

3. This Court is not able to see any justification whatsoever in the challenge made to the impugned Government Order. The reason is that it is not known at what point of time the neighbouring States, namely, Andhra Pradesh and Karnataka would be fixing higher rate of minimum wages to the employees working in the Tailoring industry there. That apart, fixing lower rate of minimum wages to the employees working in the Tailoring industry by the neighbouring States cannot be the basis for challenging the impugned G.O.(2D) No.59, Labour and Employment (J1) Department dated 10.10.2014 fixing the higher rate of minimum wages to the said work-force by the State of Tamil Nadu. Hence, this Court is not able to see any merit in the writ petitions. Accordingly, the writ petitions fail and they are dismissed. Consequently, M.P.Nos.1 & 2 of 2015 are also dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Secretary to Government
Labour and Employment Department
Fort St.George
Chennai 600 009

+1cc to the Government Pleader, S.R.No.28252

W.P.Nos.16326 to 16328 of 2015
and
Connected M.Ps

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JP(CO)
CA(30/06/2015)