

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.Nos.36077 and 36078 of 2015
and

M.P.Nos. 1 & 1 of 2015

M/s. Rodamine Apparel Industries (P) Ltd.,
NAP F1 Premises,
Shed No. F1, Nethaji Apparel Park,
NH 47, Avinashi Road,
Eetiveeranpalayam Post,
New Tirupur,
Tirupur 641 666
rep. By its Manager S. Sundaresan ... Petitioner
(In WP No.36077/2015)

M/s. Natchi Apparel (P) Ltd.,
SF No.470/2, Kaithayankottai,
Vedasandur Taluk, Dindigul 624 711,
rep. By its Manager S. Sundaresan ... Petitioner
(In WP No.36078/2015)

Vs

Government of Tamilnadu,
rep. By its Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai.9. ...R1 in both WPS

Joint Director of Industrial Safety and Health,
Formerly Deputy Chief Inspector of Factories,
Ganganagar 2nd Street
Mettupalayam Bus Stop
Tiruppur 02 ...R2 in
W.P.Nos.36077/15

Joint Director of Industrial Safety and Health
Formerly Deputy Chief Inspector of Factories
Nehruji Nagar, Dindigul -01 ...R2 in
W.P.Nos.36078/15

(R2 is impleaded as per order dated
16.11.2015 in MP No.2/2015, 2/15
in W.P.36077 & 36078/2015)

Writ petitions filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus forbearing the respondent, their men, officers, agents, servants, representatives and/or any one claiming through or under them and/or or any other person from in any manner applying 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 on the petitioners, who are differently placed as Hosiery Manufactory and not as Tailoring Industry.

For Petitioner/s : Mr. Vijay Narayan
Sr. Counsel for
M/s. R.S. Pandiyaraj in W.P.36077/15
Mr.A.R.L. Sundaresan Sr.Cl. for
Mr.R.S. Pandiyaraj
(in W.P.36078/15)

For Respondents : Mrs. A. Srijayanthi
in both WPS Spl. Govt. Pleader

COMMON ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The writ petitions are filed seeking to forbear the respondents and their agents from in any manner applying 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 on the petitioners, who are differently placed as Hosiery manufactory and not as Tailoring Industry.

3. The case of the petitioners is that they are engaged in Hosiery manufacturing business and as such, the G.O.(2D) No. 59, Labour and Employment (J1) Department, dated 10.10.2014, published in Part II Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014 will not be applicable to their industry as the same provides for fixing the minimum rate of wages payable to the class of employees engaged in Tailoring industry. It is further submitted that in respect of employment in Hosiery manufactory, the Government has subsequently issued G.O.(2D) No. 5, Labour and Employment (J1) Department, dated 27.01.2016.

4. Learned counsel appearing for the respondents fairly submits that the aforesated G.O.(2D) No. 59, Labour and Employment (J1) Department, dated 10.10.2014 is not applicable to the employment in Hosiery manufactory.

5. In view of the foregoing, it is established that G.O. (2D) No.59, Labour and Employment (J1) Department, dated 10.10.2014, published in Part II Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014 is not applicable to the employment in Hosiery manufactory. Accordingly, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ra.

To

1. The Secretary to Government,
Government of Tamilnadu,
Labour and Employment Department,
Fort St. George, Chennai.9.
2. The Joint Director of Industrial Safety and Health,
Formerly Deputy Chief Inspector of
Factories, Nehruji Nagar, Dindigul-01.
3. The Joint Director of Industrial Safety and Health,
Formerly Deputy Chief Inspector of Factories,
Ganganagar 2nd Street
Mettupalayam Bus Stop
Tiruppur 02

1 cc to Mr.R.S. Pandiyaraj, Advocate, SR. 17111

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