

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31-07-2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.9587 of 2017

And

WMP 10553 of 2017

WHITE HOUSE,
Represented by its AGM-HR-Mr.J.Hameed Sultan,
No.6 (S.No.416-425) GST Road,
Nandhivaram Village,
Guduvancherry,
Chengalpattu TK,
Kancheepuram District-603 302,
Tamil Nadu.

...Petitioner

Versus

1 State of Tamilnadu,
Represented by its Secretary,
Labour and Employment Department
Fort.St.George,Chennai-600 009.

2. The Joint Director of Industrial Safety and Health,
Kancheepuram District.

...Respondents

COMMON PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents, their men, officers, agents servants, representatives or any one claiming through or under them 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, in so far as the petitioner factories situated at No.6, (416-425), GST Road, Nandhivaram Village, Guduvancherry, Chengalpattu TK, Kancheepuram District 603 202, No.1/67-70, Pudupakkam Village, Kelambakkam via Kancheepuram District-603 103, No.4, Tannery Street, Somasundaram Nagar, Pallavaram, Chennai-43 and at No.88A, 1 & 2 Keelakottaiyur Village, Kelambakkam Road, Melakottaiyur Post, Kancheepuram District on the petitioner, who are differently placed as Hosiery Manufactory [G.O.(2D) No.5 Labour and Employment (J1) Department, dated 27.1.2016] and not as Tailoring industry.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader.

COMMON ORDER

सत्यमेव जयते

This writ petition is filed for a direction forbearing the respondents their men, officers, agents, servants, representatives or any one claiming through or under them and or any other person from in any manner applying the impugned Government Order in G.O. (2D) No.59, Labour and Employment (JI) Department dated 10.10.2014 and published

in Part II-Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014 on the petitioner, who are differently placed as Hosiery Manufactory and not as Tailoring Industry.

2. The Learned counsel appearing for the petitioner submitted that the scope of G.O. (2D) No.59 dated 10.10.2014 was elaborately adjudicated before the Honourable Division Bench of this Court and the judgment was delivered on 13.07.2016, dismissing the writ petitions.

3. The Division Bench allowed the writ appeals filed by the State in this regard. Against the order of the writ petition dated 13.07.2016, the Review Application No.27 of 2017 was filed and on 27.04.2017, the Division Bench passed the following orders in the Review Application :

"5. Since, the matter is also under consideration before the Apex Court in some of the S.L.Ps. preferred by various garments manufacturing industries, we feel it appropriate, in view of the above submissions made by the learned senior counsel that as no separate wages fixed is in G.O.Ms.No.5, dated 27.01.2016 for payment of minimum wages in Hosiery Industries and Tailoring

Industries for domestic sales and export sales, and the stand of the review petitioners that holding that the impugned G.O.59, dated 10.10.2014 is applicable to Hosiery Industry is factually incorrect and an error apparent on the face of record. Therefore, liberty is given to the petitioners to approach the respondent/Government, seeking for reconsideration and to take decision as to the applicability of relevant G.O. to the petitioners.

Accordingly, Review Petitions are disposed of. No costs. Consequently, connected WMP Nos.9037 to 9061 of 2017 are closed”.

4. In view of the orders passed in this Review Application, the writ petition stands disposed of. Accordingly, the liberty is granted to the writ petitioner to approach the respondents / Government seeking for reconsideration and to take a decision in relation to the applicability of relevant Government Order to the petitioner Company.

5. In the result, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

31-07-2017

Index: Yes/No
Internet: Yes/No
Svn

To

1. The Secretary,
State of Tamil Nadu,
Labour and Employment Department
Fort.St.George, Chennai-600 009.
2. The Joint Director of Industrial Safety and Health,
Kancheepuram District.



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