

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.20843 of 2017

and

W.M.P.No.21700 of 2017

Shahi Exports Pvt Ltd

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Labour and Employment Department,
Fort St.George, Chennai-600 009.

2. The Joint Director of Industrial
Safety and Health-II,
Tiruppur District,
Tiruppur.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, direction in the nature of a writ 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 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 having office in different location across Tamil Nadu here are concerned, who are differently placed as Hosiery Manufactory and paying the minimum wages according to G.O.2(D), No.5 Labour and Employment (J1) Department dated 27.01.2016.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

The 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.29 dated 10.10.2014 was elaborately adjudicated before the Honourable Division Bench of this Court in W.P.No.358 of 2015 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 :

"Para 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, this 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 to relevant Government Order to the petitioner Company.

5. In the result, the writ petition stands disposed of. Consequently connected Miscellaneous Petitions is closed. However, no order as to cost.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.S.Ezhil Raj, Advocate, S.R.No.55848
+1cc to the Government Pleader, S.R.No.56564

W.P.No.20843 of 2017
and
W.M.P.No.21700 of 2017

AR J
CA(28/08/2017)

सत्यमेव जयते

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