

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.Nos.23675 to 23677 of 2017 and W.M.P.Nos.24847 to 24849/2017

SCM Garments Private Limited,
Rep.by its Director-Mr.T.Loganathan,
T.S.No.10/3, 10/4,
Krishna Nagar,
Tirupur-641 603
Tamil Nadu.

...Petitioner in
W.P.No.23675/2017

SCM Garments Private Limited,
Unit Rep.by its Director-Mr.T.Loganathan,
S.F.No.896/2, Suriyan Nagar,
A.B.T.Road Extension,
Karuvampalayam, Tirupur-641 604,
Tamil Nadu.

...Petitioner in
W.P.No.23676/2017

SCM Garments Private Limited, Unit-15
Rep.by its Director-Mr.T.Loganathan,
S.F.No.685/2, Door No.15,
Sherankadu South, KNP Colony,
Dharapuram Road, Tirupur-641 608
Tamil Nadu.

...Petitioner in
W.P.No.23677/2017

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,
Tirupur District,
Tirupur.

...Respondents in all W.Ps.

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents, their men, officers, agents servants, representatives and /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 (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 petitioner who are differently placed as Hosiery Manufactory and not as Tailoring industry.

For Petitioner in
all writ petitions : Mr.S.Ezhil Raj
For Respondents in
Writ Petitions 23677/17 : Mr.C.C.Rangarajan, SGP
For Respondent in
WP.23675/17 :Mr.K.Dhananjayan
Spl GP for R1 &R2
For Respondent in
WP.23676/17 :Mr.M.Perumal
Government Advocate for
R1 & R2

COMMON ORDER

These batch of writ petitions are 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 petitioners 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 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, all these writ petitions stands disposed of. Accordingly, the liberty is granted to the writ petitioners 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 petitions stand disposed of. Consequently connected Miscellaneous Petitions are closed. However, no order as to cost.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

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,
Tirupur District,
Tirupur.

+1 cc to Government Pleader sr63648

WP.Nos.23675 to 23677 of 2017

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aa03/10/2017



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