

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

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

W.P.No.23960 of 2017

SUNRISE KNITTING MILLS,
Rep. by its partner
Mr.R.Doraisamy,
No.6(1) 24, Bridge Way
Colony Extension,
Lakshmi Nagar,
Tirupur - 641 607, Tamil Nadu. ... Petitioner

Vs

- 1.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,
Tirupur District,
Tirupur.
- 3.The Joint Director of Industrial
Safety and Health,
Erode District,
Erode. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue 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 1) No.6(1) 24, Bridge Way Colony Extension, Lakshmi Nagar, Tirupur - 641 607 (TP 17140), 2) Plot No.D1 & b D2 Nethaji Apparel Park, Ettiverampalayam, New Tirupur- 641 666 (TP No.11730), 3) D.No.1/61A, S.F.No.119, Kullivayyal Thottam, Kullengounden Pudur, Andipalayam, Tirupur - 641 687 (TP No.15904) 4) D.No.1/61, S.F.No.119, Kullivayyal Thottam, Kullengounden Pudur, Andipalayam, Tirupur - 641 687 (TP

No.14859) and 5) M.C.Knitting Mill Compound, Tirupur-Dharapuram Road, Unity Nagar, Kolappalur, Gopi-638 456(ER 2725) on the petitioner who are differently placed as Hosiery Manufactory (G.O.(2D).No.5 Labour and Employment(J1) Department, dated 27.01.2016) and published in Part II Section 2 of the Tamil Nadu Government Gazette dated 17.02.2016) and not as as Tailoring Industry and accordingly.

For Petitioner : Mr.S.Ezhil Raj
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

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 (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.

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 petitions stand 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 stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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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,
Tirupur District,
Tirupur.

3.The Joint Director of Industrial
Safety and Health,
Erode District,
Erode.

+ 1 cc to Mr. S. Ezhilraj, Advocate SR.64778

+ 1 cc to Government Pleader Sr.64942

W.P.No.23960 of 2017

SV(CO)

EU(27/09/2017)