

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24470 of 2017

FRONTIER KNITTERS PVT LTD.,-E UNIT,
Rep by its Manager - Mr.Chacko Mathew,
S.F.No.270, 271, Vijayapuri Village,
Vijayamangalam Village,
Perundurai Taluk,
Erode - 638 056. Tamilnadu

...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,
Erode District,
Erode.
3. The Joint Director of Industrial Safety and Health-I,
Tirupur District, Tirupur.
4. The Joint Director of Industrial Safety and Health-II,
Tirupur District, Tirupur.

...Respondents

PRAYER: Writ petition 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 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) FRONTIER KNITTERS PVT LTD.,-E UNIT, S.F.No.270,271, Vijayapuri Village, Vijayamangalam Village, Perundurai Taluk, Erode - 638 056. (ER 2315). 2) F-UNIT, S.F.No.161/20, J.J.Nagar East, Sri Nagar Wet, Pitchampalayam Pudur, Tirupur - 641 602 (TP 16660). 3) D-Unit, S.F.No.489/5B, Goundamapalayam Road, Rayarpalayam, Palladam, Tirupur - 641 664 (TP 10208), 4 B-Unit, S.F.No.108/3D,

Sengampalayam, Naranapuram Post, Palladam, Tirupur - 641 664 (TP 7406). 5) Unit-3. S.F.No.178/1, Rajiv Gandhi Nagar, Uthukuli Road, Mannarai, Tirupur - 641 607 (TP 10930) 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 I-Section 2 of the Tamilnadu Government Gazette dated 17.02.2016) and not as Tailoring Industry.

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 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) FRONTIER KNITTERS PVT LTD., - E UNIT, S.F.No.270,271, Vijayapuri Village, Vijayamangalam Village, Perundurai Taluk, Erode - 638 056. (ER 2315). 2) F-UNIT, S.F.No.161/20, J.J.Nagar East, Sri Nagar Wet, Pitchampalayam Pudur, Tirupur - 641 602 (TP 16660). 3) D-Unit, S.F.No.489/5B, Goundamapalayam Road, Rayarpalayam, Palladam, Tirupur - 641 664 (TP 10208), 4 B-Unit, S.F.No.108/3D, Sengampalayam, Naranapuram Post, Palladam, Tirupur - 641 664 (TP 7406). 5) Unit-3. S.F.No.178/1, Rajiv Gandhi Nagar, Uthukuli Road, Mannarai, Tirupur - 641 607 (TP 10930) 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 I-Section 2 of the Tamilnadu Government Gazette dated 17.02.2016) 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 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, 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 to 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.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

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

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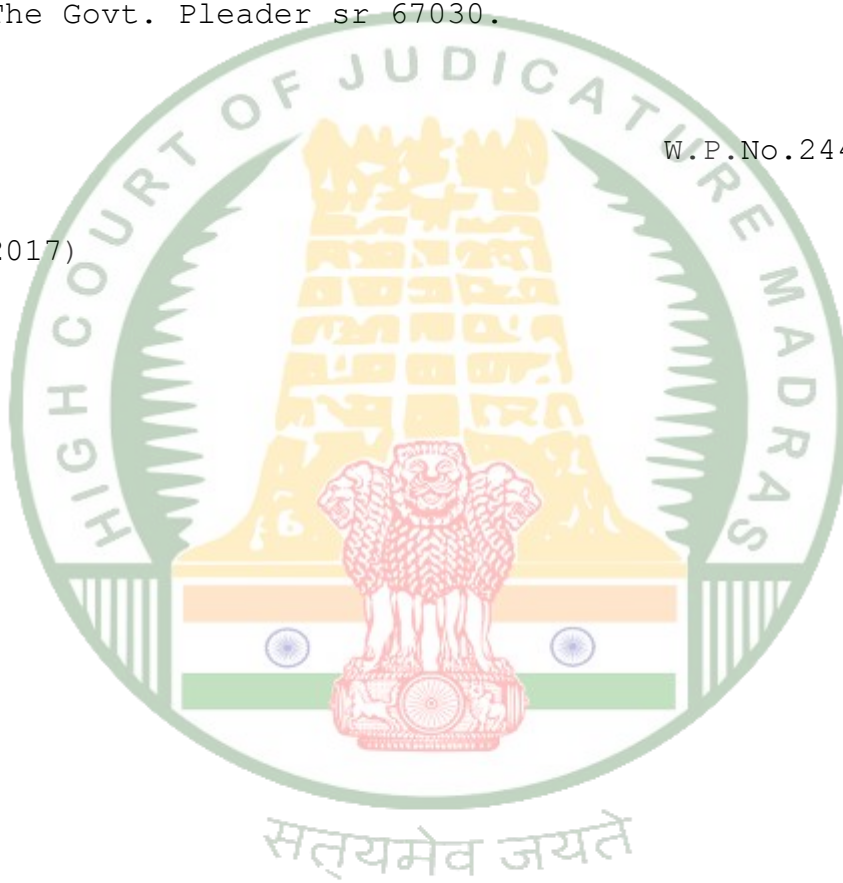
2. The Joint Director of Industrial Safety and Health,
Erode District,
Erode.
3. The Joint Director of Industrial Safety and Health-I,
Tirupur District, Tirupur.
4. The Joint Director of Industrial Safety and Health-II,
Tirupur District, Tirupur.

+1 CC to Mr.S. Ezhil Raj, advocate sr 66684.

+1 CC to The Govt. Pleader sr 67030.

W.P.No.24470 of 2017

VD(CO)
sp(09/10/2017)



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