

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.25880 to 25888 of 2017

GUS CLOTHING COMPANY

rep by its HR Manager - Mr.A.Kuppusamy
2/547, Sarkar Periyapalayam
Uthukuli Road
Tirupur, Tamil Nadu 641 607 ... Petitioner in W.P.No.25880 of 2017

ENRICH EXPORTS

rep by its HR Manager - Mr.M.Harish Kumar
No.29 A/6, Jawahar Nagar 2nd Street
Sirupooluvapatti Main Road
15, Velampalayam (Post)
Tirupur, Tamilnadu 641 607 ... Petitioner in W.P.No.25881 of 2017

CARONA KNITWEAR (CUTTING DIVISION)

rep by its Manager - Mr.V.Esaran
S.F.No.2, Suriya Nagar
Lakshmi Nagar East Extension
Tirupur, Tamil Nadu 641 602 ... Petitioner in W.P.No.25882 of 2017

CARONA KNITWEAR (UNIT-3)

rep by its Manager - Mr.V.Esaran
S.F.No.131/2, Gobipalayam Road
Alukkuli (PO)
Gopichettipalayam, Erode (DT)
Tamil Nadu 638 453 ... Petitioner in W.P.No.25883 of 2017

QUALITY KNIT WEARS PRIVATE LIMITED

rep by its Manager - Mr.V.Mohan
No.63, Sivagangai Road, Madurai East
Vilathur, Madurai North Taluk
Madurai, Tamilnadu 625 020 ... Petitioner in W.P.No.25884 of 2017

CARONA KNITWEAR (ULTRON)

rep by its Manager - Mr.V.Esaran
S.F.No.962, Idayan Kinaru Pirivu
Kundadam
Dharapuram, Tirupur DT.

Tamilnadu 638 702

.. Petitioner in W.P.No.25885 of 2017

QUALITY KNIT WEARS PRIVATE LIMITED

rep by its Manager - Mr.V.Mohan

No.18, Madurai Integrated Textile Park

Thathampatti, T.Vadipatti Taluk

Madurai, Tamilnadu 625 218 .. Petitioner in W.P.No.25886 of 2017

CARONA KNITWEAR (UNIT-1)

rep by its Manager - Mr.V.Esaran

S.F.No.31 - A, Om Sakthi Kovil Street

Bridgeway Colony Extension

Tirupur, Tamilnadu 641 607

.. Petitioner in W.P.No.25887 of 2017

INTALIA KNIT WEAR PRIVATE LIMITED

rep by its Manager - Mr.V.Mohan

No.16, Madurai Integrated Textile Park

Thathampatti, T.Vadipatti Taluk

Madurai, Tamilnadu 625 218 .. Petitioner in W.P.No.25888 of 2017

-vs-

State of Tamil Nadu

represented by its Secretary

Labour and Employment Department

Fort St.George

Chennai 600 009

.. 1st Respondent in all the W.P's

The Joint Director of Industrial
Safety and Health

Tirupur District

Tirupur

2nd Respondent in W.P.Nos.25880,
25881, 25882, 25885, 25887 of 2017

The Joint Director of Industrial
Safety and Health

Erode District

Erode

2nd Respondent in

.. W.P.No.25883 of 2017

The Joint Director of Industrial
Safety and Health

Madurai District

Madurai

2nd Respondent in W.P.Nos.25884,
.. 25886, 25888 of 2017

Petitions under Article 226 of the Constitution of India,
praying for the issue 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 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 not as Tailoring Industry.

For Petitioners:: Mr.T.Thangamani

For Respondents:: Mr.K.Rajendra Prasad
Government Advocate

ORDER

These writ petitions have been 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 on the respective petitioner who are differently placed as Hosiery Manufactory (G.O.(2D) No.5, Labour and Employment (J1) Department dated 27.01.2016) and not as Tailoring Industry.

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

3. Against the order passed in the writ petitions dated 13.07.2016, 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 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 the review application, the writ petitions stand disposed of granting liberty to the writ petitioners to approach the respondent/Government seeking for reconsideration and to take a decision in relation to the applicability of relevant Government Order to the respective petitioner Company. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ss
To

1. The Secretary to Government
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

4. The Joint Director of Industrial
Safety and Health
Madurai District
Madurai

+9 CCs to Mr.T.Thangamani, Advocate in sr.no.71317

W.P.Nos.25880 to 25888 of 2017

NR 07/11/2017