

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26088 of 2017

Best Corporation Private Limited
rep. by its General Manager (Administration)
Mr.B.Srinivasan, No.89/2, Padmavathipuram,
Avinashi Road, Tirupur-641 603.

.. Petitioner

-vs-

1. State of Tamil Nadu
represented by its Secretary
Labour and Employment Department
Fort St.George Chennai 600 009

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

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance 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 in so far as the Petitioner factories situated at 1. Best Corporation Private Limited, No,89/2, Padmavathi Puram, Avinashi Road, Tirupur-641 603, 2. S.R.Garments (A unit of Best Corporation Private Limited) SF.No.379/2, No.50 Best Garden Road, Aathupalayam Pirivu Road, Anuparpalayam, Tirupur-641 652, 3. R.S.Garments (A unit of Best Corporation (P) Limited, Shed No.28, Nethaji Apparel Park, New Tirupur-641 666, 4. R.R. Garments (A unit of Best Corporation Private Limited), S.F.No.379/1, Aathupalayam Pirivu Road, Anuparpalayam, Tirupur-641 652, 5. R.L.Garments (A unit of Best Corporation Private Limited), Shed No.27, Nethaji Apparel Park, Eetiveerampalayam, New Tirupur-641 666, 6. Excel Knitwear (A Unit of Best Corporation (P) Limited), Shed No.12, Nethaji Apparel Park, Eetiveerampalayam, New Tirupur-641 666, 7. RRD Tex (A Unit of Best Corporation Private Limited), S.F.No.607, Suriyanallur Village, Vengipalayam (PO), Dharapuram, Erode-638 703, 8. Alpha Apparels (A Unit of Best Corporation Private Limited), No.106/1,

Avinashi Road, LPT Opp. Bus Stop, Arasur (Post), Coimbatore-641 607, 9. RRD Apparels Private Limited, S.F.No.126/B2 & C Pat, 127 to 130, 132, 135, 136, 137/A Part, B8 Part, No.A1, Karur Textile Park, Thalapatti Village, Karur-639 003, 10. Acer Designers (A Unit of Best Corporation (P) Limited), S.F.No.564, Puthu Palayam Village, Avinashi to Vanjipalayam Road, Avinashi-641 663, 11.Shiva Apparels (A Unit of Best Corporation (P) Limited), No.6/527, Palaghat Main Road, Kuniyamuthur, Coimbatore-641 008 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 17.2.2016 and not as Tailoring Industry.

For Petitioner :: Mr.S.Ezhil Raj

For Respondents :: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The Writ Petition has been filed seeking for 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.

2. 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 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 petition stands disposed of granting liberty to the writ petitioner 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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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

+1 CC to Government Pleader, High Court, Chennai Sr.No.71690

+1 CC to Mr.S.Ezhil Raj, Advocate Sr.No.71663

W.P.No.26088 of 2017

KK(CO)
KP(31.10.2017)