

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28192 of 2017

CMP Garments
rep. by its Partner
Mr.M.Periyasamy
Old No.54A New No.144
Thannerpandal Colony
Annuparpalayam (Post)
Avinashi Road
Tirupur 641 652

[Petitioner]

Vs

- 1 State of Tamilnadu
rep. by its Secretary
Labour and Employment Department
Fort St. George Chennai-9
- 2 The Joint Director of Industrial
Safety and Health I, 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 and 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 dt 10.10.2014 and published in Part II Section 2 of the Tamil Nadu Government Gazette dt 3.12.2014 on the petitioner who are differently placed as Hosiery Manufactory (G.O(2D)

No.5 Labour and Employment (J1) Department dated 27.1.2016 and Published in Part II Section 2 of the Tamilnadu Government Gazette dated 17.2.2016) and not as Tailoring Industry.

For Petitioner :: Mr.K.Ravi

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 and 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 3.12.2014 on the petitioner who are differently placed as Hosier Manufacture (G.O(2D) No.5 Labour and Employment (J1) Department dated 27.1.2016 and Published in Part II Section 2 of the Tamilnadu Government Gazette dated 17.2.2016) 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.

06.11.2017

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Speaking/Non speaking order

Index : yes/no

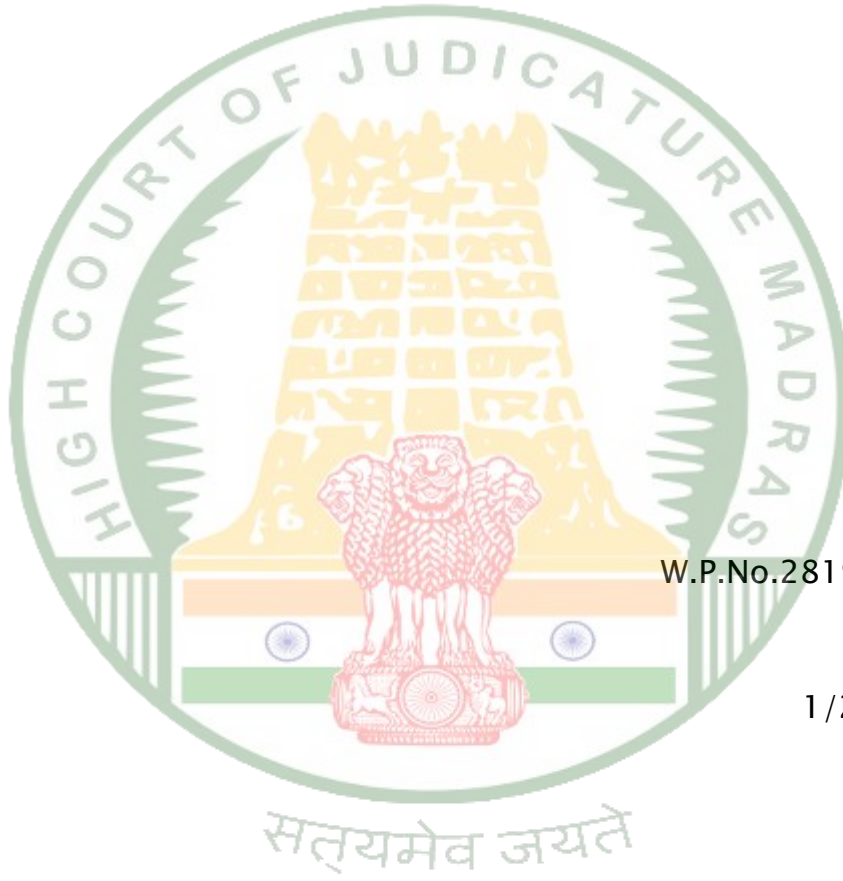
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To

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

T.RAJA, J.
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