

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.19932 of 2017
and
W.M.P.No.21500 of 2017

Shanthi Exports,
Rep. by its Managing Partner-Mrs.G. Suseela,
S.F.No.132, Sengunthapuram Main Road,
Mangalam Road,
Tirupur - 641 604. Petitioner

Vs.

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,
Tirupur District,
Tirupur. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, or any other or direction in the nature of a Writ for bearing the Respondents, their men, officers, agents, servants, representatives and/or any one claiming through or under them and for 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.

For Petitioner : Mr.T.Thangamani

For Respondents : Mr.K.Dhananjayan
Special Government Pleader
for R1 and R2

O R D E R

The writ petition is filed for a direction forbearing the respondents, their men, officers, agents, servants, representatives and/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 (JI) 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.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, 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 the Review Application, this writ petition stands disposed of. Accordingly, 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. Accordingly, the writ petition stands disposed of. Consequently connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
State of Tamilnadu,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
2. The Joint Director of Industrial Safety and Health,
Tirupur District,
Tirupur.

+lcc to the Government Pleader Sr. 56316
+lcc to Mr.T.Thangamani, Advocate Sr. 55849

W.P.No.19932 of 2017

KK(CO)
VR(31/8/2017)

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