IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.11.2017
CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.31860 of 2016
and WMP.No.27622 of 2016

CARONA KNIT WEAR,
Represented by its Executive Director, M.Deivasahayam,
Cutting Division, No.2 Suriya Nagar,
Lakshmi Nagar extn,
Tirupur-641 602. ... Petitioner

Vs.

The Government of Tamil Nadu,
Represented by its Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009. ... Respondent

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondent, 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 (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 place as Hosiery Manufacturers and not as Tailoring Industry.

For Petitioner : Mr.J.Pratheep for
Mr.P.Saravana Sowmiyan

For Respondent : Mr.C.Manishankar
Additional Advocate General
Assisted by Mr.T.M.Pappiah
Special Government Pleader

WEB COPY

O R D E R

This writ petition has been filed by the petitioner, challenging the G.O.(2D).No.59, Labour and Employment (J1) Department, dated 10.10.2014 contending that the petitioner is differently placed as a Hosiery manufacturer and not a tailoring industry.

https://hcservices.ecourts.gov.in/hcservices/

2.According to the petitioner, the petitioner is not a tailoring unit, which deals with tailoring but a Hosiery manufacturer and therefore, the said G.O. is not applicable to them.

3.Heard the learned counsel for the petitioner; Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner in lead cases i.e., WP.Nos.28126 & 42118 of 2016 and Mr.C.Manishankar, learned Additional Advocate General for the respondents.

4.Mr.C.Mani shankar, learned Additional Advocate General would submit that the interest of the workers would be safeguarded.

5.Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner in lead cases (i.e) WP.Nos.28126 and 42118 of 2016 would submit that the petitioners have decided to withdraw all the writ petitions and then intend to approach the Government, as per the Division Bench judgment of this Court, dated 27.04.2014 passed in Review Petition No.27 to 51 of 2017 in the case of S.P.Apparels Limited (Thekkalur) Vs. State of Tamil Nadu.

6.Mr.C.Mani Shankar, learned Additional Advocate General, on instructions, from Mr.Balasubramaniam, Additional Commissioner of Labour, who is present before this Court, would submit that the petitioner may be permitted to withdraw and withdrawal of this Writ Petition would no way prejudice the rights of the workers.

7.A perusal of the order dated 27.04.2017 would reveal that the petitioners were given liberty to approach the respondent/Government, seeking for reconsideration and to take a decision as to the applicability of relevant G.O. to the petitioners. Paragraph 5 of the above order is extracted as follows:

> "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

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

respondent/Government, seeking for reconsideration and to take decision as to the applicability of relevant G.O. to the petitioners."

8.In view of the submissions made by the learned counsel for the petitioner and Additional Advocate General, on instructions and in view of the order passed by the Division Bench, the Writ Petitioner is allowed to withdraw this Writ Petition.

9.Accordingly, this Writ Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

klt/sai

To

The Secretary to Government,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.

+1cc to Government Pleader SR.No.86421

sm:19.1.2018

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/