IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2017

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.35958 of 2016
&
W.M.P.No.30929 of 2016

GUS CLOTHING COMPANY,
Rep by its Manager - Mr.U.Sujithkumarr,
2/583, 1st floor, Sarkar Periyapalayam,
Uthukuli Road, Tirupur - 641 607. ... 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 - II,
Tirupur District, Tirupur. ... Respondents

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 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 and not as Tailoring Industry.

For Petitioner : Mr.S.Ezhil Raj

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

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

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differently placed as a Hosiery manufacturer and not a tailoring industry.

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

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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."

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 III)

//True Copy//

Sub Assistant Registrar

(sai)
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 - II,
   Tirupur District,
   Tirupur.

+1cc to the Government Pleader, S.R.No.86829

W.P.No.35958 of 2016

klt(10.02.2018)

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