

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21897 to 21900 of 2015

and

M.P.Nos.1, 1, 1, 1, 2, 2, 2 and 2 of 2015

W.P.No.21897 of 2015

AB Export,
Rep. by its Authorized Signatory,
M.Ponnusamy,
1/1276 - B.Kulkadu,
Ayyampalayam Road, Palavanjipalayam,
Tirupur 641 608. ...Petitioner

Vs

State of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai 600 009. ... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the entire records which culminated in 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 and quash the same as arbitrary, illegal and without following the mandatory requirements of The Minimum Wages Act, 1948 in so far as the petitioner is concern. सत्यमेव जयते

W.P.No.21898 of 2015

Piyrrano Knits Company,
Rep. by its Authorized Signatory,
Karthi Chinnasamy,
1/157 - B, Kullegoundan Pudur,
Mangalam Road, Andipalayam, Tirupur - 7. ...Petitioner

Vs

State of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai 600 009. ... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the entire records which culminated in 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 and quash the same as arbitrary, illegal and without following the mandatory requirements of The Minimum Wages Act, 1948 in so far as the petitioner is concern.

W.P.No.21899 of 2015

Kandhan Knitss - G Unit

Rep. by its Authorized Signatory,
P.Dhanapal,
Door No.13, Pachamalai Adivaram,
Gobichettipalayam, Erode 638 476.

...Petitioner

Vs

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

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the entire records which culminated in 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 and quash the same as arbitrary, illegal and without following the mandatory requirements of The Minimum Wages Act, 1948 in so far as the petitioner is concern.

W.P.No.21900 of 2015

Riverbay International, सतयमेव जयते
Rep. by its Authorized Signatory,
L.Aravindhan,
8/71 M, K.P.Nagar, Chinnapudur,
Pooluvapatti (PO), Tirupur - 2.

...Petitioner

Vs

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

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the entire records which culminated in 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 and quash the same as arbitrary, illegal and without following the mandatory requirements of The Minimum Wages Act, 1948 in so far as the petitioner is concern.

For Petitioner : Mr.P.Saravana Sowmiyan
(In all the Writ Petitions)

For Respondents: Mr.M.Elumalai
Government Advocate
(In all the Writ Petitions)

C O M M O N O R D E R

The relief sought for in these writ petitions are to call for the entire records which culminated in 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 and quash the same.

2.The validity of the above Government Order was adjudicated by the Hon'ble Division Bench of this Court in a Writ Appeal in W.A.No.867 of 2015 in the case of State of Tamil Nadu, Rep. by its Secretary, Labour & Employment Department, Secretariat, Fort St. George, Chennai - 600 009 -Vs- Sri Renga Apparels (India) Pvt. Ltd. and a Judgment was delivered on 13.07.2016 which was reported in 2016 (3) LLN 430 (DB) Mad.). The operative portion of the Judgment is extracted hereunder:

"For the reasons stated above, the Writ Appeal filed by the State is allowed while the Writ Petitions filed by the Employer/Petitioners are dismissed directing the respective petitioners to comply with the Notification issued in Government Order in G.O.(2D) No.59, Labour & Employment (J1) Department, dated 10.10.2014 and published in Part II-Section 2 of the Tamil Nadu Government Gazette dated 03.12.2014 for payment of the revised Minimum Wages. Since the workmen have not challenged the non-payment of Minimum Wages for the past period, as notified in various Government Orders referred to above, this Court is not precipitating the matter any further by passing any Orders. However, this Court directs that Minimum Wages as notified

shall be paid to the Workers by the Petitioner/Management on and from the date of the Notification as published in the Government Gazette, i.e. from December 2014. The Petitioners/Management are further directed to pay the Minimum Wages along with the arrears within two months from the date of receipt of a copy of this Order along with interest at the rate of 6% p.a. from the date of Notification till date of payment. It is further made clear that the Petitioners/Management shall continue to pay the Minimum Wages as notified without any default. However, liberty is granted to the Petitioners/Management to submit a representation to the Government as to the difficulties faced by them in payment of the Minimum Wages as notified and the Respondent/Government shall consider the same at the time when Revision is contemplated in future and after affording an opportunity of personal hearing to the Petitioners/Management, the Government shall pass Orders in accordance with law while further revising the Minimum Wages as per the provisions of the Act.

59. With the above observations and directions, while the Writ Appeal filed by the Appellant/State is allowed, the Writ Petitions filed by the Petitioners/Management are dismissed. Consequently, connected Miscellaneous Petitions are closed. However, in the circumstances of the case, there shall be no order as to costs. "

4. Accordingly, these Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Secretary, (State of Tamil Nadu)
Labour and Employment Department,
Fort St. George,
Chennai 600 009.

+ 1 cc to Government Pleader Sr.47005

W.P.Nos.21897 to 21900 of 2015

BS (CO)
EU(06/08/2018)



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