

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.247 of 2018

Sri VNS Textiles,
Rep. By its Partner-Mr.A.Sadasivam

... 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-I,
Tirupur District, Tirupur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents their men, officers, agents, servants, representatives or any one claiming through or under them or any other person 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 insofar the petitioner who are differently placed as Hosiery Manufactory [G.O.(2D).No.5, Labour and Employment (J1)] Department dated 27.01.2016 and published in Part-II Section 2 of the Tamil Nadu Government Gazette dated 17.02.2016 and not as Tailoring Industry.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for a Writ of Mandamus, forbearing the respondents, 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 insofar as the petitioner, who is differently placed as Hosiery Manufactory (G.O.(2D) No.5, Labour and Employment (J1) Department dated 27.01.2016) and not as Tailoring Industry.

2. The learned counsel for the petitioner submitted that the scope of G.O.(2D) No.59 dated 10.10.2014 was elaborately adjudicated before a Division Bench of this Court and 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 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 petitioner-Company. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jvm

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-I,
Tirupur District, Tirupur.

+lcc to Mr.S.Ezhil Raj, Advocate, S.R.No.1753

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NRK(CO)
RRK(30/01/2018)



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