

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15042 of 2007

&

W.M.P.No.1 of 2007

M/s.Shardha Terry Products Limited,
(Spinning Division),
Rep by its Director,
R.Swaminathan,
SF No.413/2B, Odderpalayam Village,
Annur - 641 653,
Coimbatore District.

...Petitioner

...Vs...

1.Union of India,
Rep by its Secretary to Government,
Ministry of Labour,
New Delhi.

2.The State of Tamil Nadu,
Rep by its Secretary to Government,
Labour Department,
Fort St.George,
Chennai - 600 009.

3.The Chief Inspector of Factories,
Chepauk, Chennai - 600 005.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to permit the petitioner's industry to employ female workers during night shifts by abiding the conditions adumbrated in the judgment reported in 2001 (2) LLN 354.

For Petitioner : Ms.R.Hemalatha

For Respondents: Mr.C.V.Rama Chandramurthy
(for R.1)
Mr.J.Ramesh, AGP (for R.2 & R.3)

ORDER

The grievance of the writ petitioner is that they are not permitted to engage women employees during the night shifts and the prescription of prohibition under Section 66(1)(b) of the Factories Act is unconstitutional.

2.In the case of R.Vasantha Vs. Union of India reported in 20001 (2) L.L.N. 354, the Hon'ble Supreme Court of India has struck down the provision itself. In view of the fact that Section 66(1)(b) was already struck down, there is no prohibition for the writ petitioner/industry to engage women employees in all the shifts by following the procedures and other regulations contemplated in this regard.

3.This being the factum, no further adjudication is required in respect of the grounds raised in the present writ petition and accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mrm

To

1.The Secretary to Government
Union of India,
Ministry of Labour,
New Delhi.

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

3.The Chief Inspector of Factories,
Chepauk, Chennai - 600 005.

+1 cc to Mr.R.hemalatha Advocate sr88357
+1 cc to the Government Pleader sr87726
+1 cc to Mr.C.V.Ramachandramoorthy Advocate sr88544

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