

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17-10-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27059 of 2004

And

W.P.M.P.No.32947 of 2004

Parry Agro Industries Ltd.,
Estates' Administration Office,
Iyerpadi P.O.,
Pin 642 108,
Valparai,
Coimbatore District.

... Petitioner

vs.

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

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

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

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring Section 66 of the Factories Act, 1948 as arbitrary, unconstitutional and void.

For Petitioner : Mr.R.Parthiban

For Respondent-1 : No Appearance

For Respondents-2&3 : Mr.D.Suriyanarayanan,
Additional Government Pleader.

O R D E R

The relief sought for in the present writ petition is to declare Section 66 of the Factories Act, 1948 as arbitrary, unconstitutional and void.

2. The learned counsel appearing on behalf of the writ petitioner brought to the notice of this Court that Section 66 (1) (b) of the Factories Act, 1948 was struck down.

3. The learned counsel appearing on behalf of the writ petitioner made a submission that this Court had already struck down Section 66(1) (b) of the Factories Act, 1948 in the case of R.Vasantha vs. Union of India [(2001) 2 LLJ 843] and the relevant paragraph-103 of the judgment cited supra, is extracted hereunder:-

"103. In the result, all these writ petitions are allowed. As a result of which, even though the petitioners have confined their challenge to Sub-sec. (1) of S. 66, consequent to this Court striking down S. 66 (1) (b), the remaining provision of the said sub-section namely 66(1) (b) and the proviso of the Factories Act, 1948, not being severable, also will have to suffer the same consequence. In the result, S. 66(1) (b) is declared unconstitutional as violative of Arts. 14, 15 and 16 of the Constitution."

4. In view of the fact that Section 66(1) (b) of the Factories Act, 1948 had already been struck down by this Court, no further consideration is required as the provision impugned itself is non-est in law.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

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

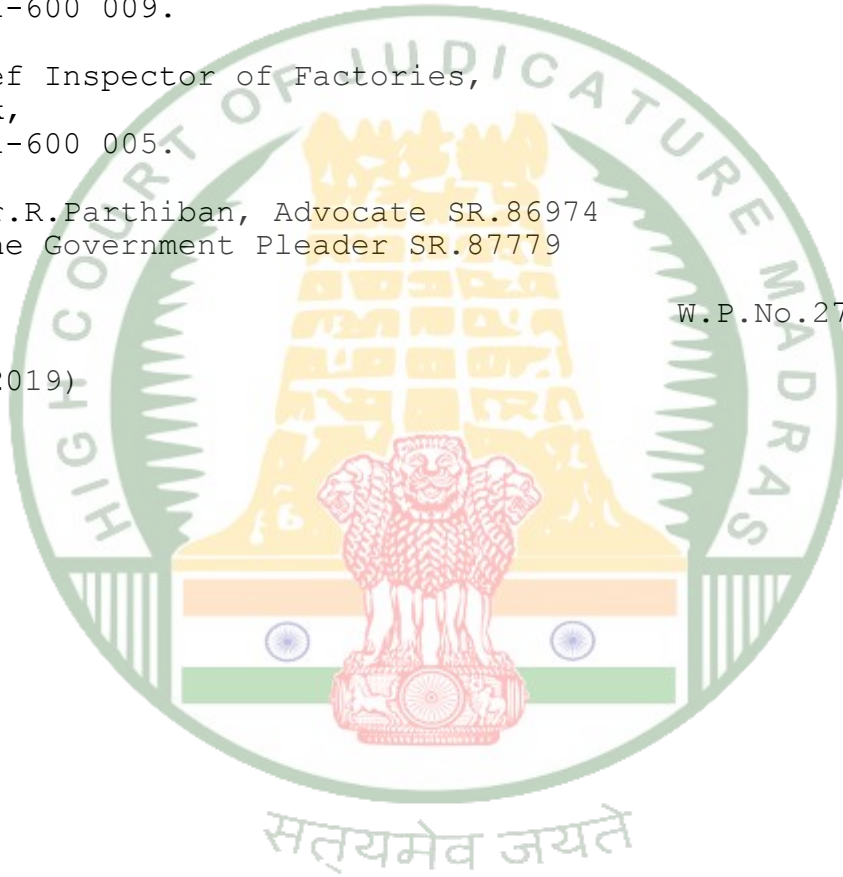
2.The Secretary to Government,
State of Tamil Nadu,
Labour Department,
Fort St. George,
Chennai-600 009.

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

+1cc to Mr.R.Parthiban, Advocate SR.86974
+1cc to the Government Pleader SR.87779

W.P.No.27059 of 2004

LN(CO)
CB(21/11/2019)



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