



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.11949 & 11960 of 2021

W.P.No.11949 of 2021

Workmen of Wipro Infrastructure Engineering
through United Labour Federation
rep. by its Vice President
4th Floor, CJ Complex
No.149, Thambu Chetty Street
Chennai 600 001.

..Petitioner

Vs.

1. State of Tamil Nadu
rep. by its Chief Secretary
Department of Revenue &
Disaster Management (DM-IV) Department
Fort St. George, Chennai 600 009.
2. The Management of Wipro Enterprises (P) Limited
C Block, CCLG Division, Sarjapur Road
Bangalore 560 035.
3. Plant Head
Wipro Infrastructure Engineering
(A Division of Wipro Enterprises (P) Limited)
Plot C-1, SIPCOT Industrial Park
Irungattukottai, Sriperumbudur Taluk
Kancheepuram District
Tamil Nadu 602 105.

..Respondents

W.P.No.11960 of 2021

C.R.Prabhakaran

..Petitioner

Vs.

1. State of Tamil Nadu
rep. by its Chief Secretary
Department of Revenue &
Disaster Management (DM-IV) Department
Fort St. George, Chennai 600 009.



2. MRF Limited
Rep. by its Managing Director
124, Greams Road
Chennai 600 006.

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3. Plant Manager
MRF Limited
Tiruvottiyur High Road
Tiruvottiyur, Chennai
Tamil Nadu 600 019.

..Respondents

Prayer: W.P.No.11949 of 2021 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent in connection with G.O.(Ms) No.371 of Revenue and Disaster Management (DM-IV) Department dated 08.05.2021 as clarified in G.O.(Ms) No.348 dated 20.04.2021 in respect of Entry (d) and (f) of Clause I and Clause (xii) of Clause II of the same department and quash the same insofar as the aforesaid clauses are concerned; and

W.P.No.11960 of 2021 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent in connection with G.O.(Ms) No.371 of Revenue and Disaster Management (DM-IV) Department dated 08.05.2021 as clarified in G.O.(Ms) No.348 dated 20.04.2021 in respect of Entry (ix) of Clause II of the same department and quash the same insofar as the aforesaid clauses are concerned.

For Petitioners : Mr.V.Prakash, S.C.
For Mr.U.Manogar

For Respondents : Mr.C.Harsha Raj
Counsel for State
for R1 in both W.Ps.

Mr.Sanjay Mohan
for R2 in WP No.11949/21

Mr.Anand Gopalan
For M/s. T.S.Gopalan & Co.
for R3 in WP No.11949/21

ORDER

(Made by the Hon'ble Chief Justice)

The petitions may have lost all meaning as they were relevant during the period when the strict lockdown was in force earlier this year upon the second surge of the pandemic sweeping across the State. However, the petitioners point out something



which, according to the petitioners, is a disturbing factor as the Inspector of Factories claims that since the matter pertains to the Disaster Management Act, it would be officials from the Department of Revenue who would be responsible for ensuring the safety of workmen in factories and the Inspector of Factories would have nothing to do with it.

2. Such stand cannot be appreciated. Whatever may be the consequences of the Disaster Management Act coming into play, it is inconceivable that the Factory Inspector or any person in the office of Directorate of Industrial Safety would wash their hands off the working conditions at manufacturing facilities altogether.

3. W.P.Nos.11949 of 2021 and 11960 of 2021 are disposed of without going into the merits of the matter since the lockdown conditions have now been relaxed. WMP Nos.12713 and 12723 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

The Chief Secretary
Department of Revenue &
Disaster Management (DM-IV) Department
Fort St. George,
Chennai 600 009.

W.P.Nos.11949 & 11960 of 2021

LN(CO)
RGA(26/07/2021)