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W.P.Nos.13529 and 13591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :25.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.13529 and 13591 of 202
and W.M.P.Nos.13200 and 13265 of 2023

The Management of
Annur Cotton Mills,
(Unit of Saradha Terry Products Limited)
S.F. No. 413/2 B, Puluwapalayam,
Ottarpalayam Post, Annur Via,
Annur Taluk,
Coimbatore – 641 653.
Rep by its Manager H.R and Admin

... Petitioner in W.P. No. 13529 of 2023

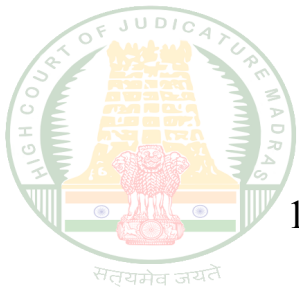
The Management of
Blue Mount Textiles,
(Unit of Saradha Terry Products Limited)
No.8, Badrakaliamman Koil Road,
Mettupalayam
Coimbatore
Rep by its Manager H.R and Admin

... Petitioner in W.P. No. 13591 of 2023

VS-

1. The Deputy Director of Industrial Safety and Health,
Inspector of Factories,
Coimbatore

...1st respondent in W.P.No.13529 of 2023



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1. The Deputy Director of Industrial Safety and Health,
Inspector of Factories,
Udagamandalam -6 ...1st respondent in W.P.No.13591 of 2023
2. The Joint Commissioner of Labour,
(Authority under the Minimum Wages Act, 1948)
Coimbatore – 641 018. ...Respondents in both W.Ps

Prayer in W.P. No. 13529 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in I.A. No. 02/22 in M.W.No. 115 of 2017 and quash its order dated 01.12.2022 and further direct the 2nd Respondent to decide the maintainability of claim filed by the 1st Respondent.

Prayer in W.P. No. 13591 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in I.A. No. 03/22 in M.W.No. 84-1 of 2017 and quash its order dated 30.01.2023 and further direct the 2nd Respondent to decide the maintainability of claim filed by the 1st Respondent.

For Petitioner : Mr. Anand Gopalan
in both W.Ps for M/s Agam Legal

For Respondent – 1&2 : Ms. M. Jayanthi
in both W.Ps Additional Government Pleader

COMMON ORDER



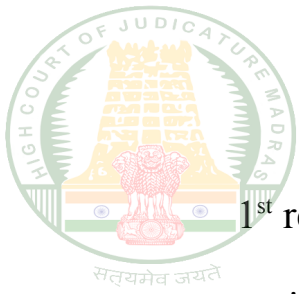
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Challenging the rejection of their application before the 2nd respondent objecting to the maintainability of the claim of the employees for minimum wages, the petitioners are before this Court.

2. The brief facts are as follows:-

(i) It is the case of the petitioner-management in both the Writ Petitions, that they are engaged in the manufacture of terry cotton towels exclusively meant for export to various countries. The petitioners have their factory at Coimbatore wherein various activities are carried out relating to the manufacture of towels. The petitioners would submit that the Government of Tamil Nadu had fixed the rate of minimum wages for 83 industries which includes the tailoring industry, textile industry, knitwear industry and the Hosiery manufacturing including knitwear.

(ii) From 2004 till 2016, the 1st respondent had not made any complaint against the petitioners and similarly placed manufacturers with respect to payment of minimum wages for the tailoring industry. However, in the year 2016, an inspection conducted by the office of the



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1st respondent and proceedings were initiated against the petitioners and various units in Karur including the Hosiery Units at Tirupur on the ground that the minimum wages relevant for tailoring industry has not been adhered to. The said demand was opposed by the petitioners and others on the ground that the minimum wages prescribed for the tailoring industry would not be applicable to them.

(iii) The Karur Textile Manufacturers Exporters Association had challenged the applicability of GO.(2D) No.59 fixing the rate of wages fixed for the tailoring industry to its members. This government order was stayed by this Court by order dated 09.10.2015 and the same is still pending.

(iv) While so, the 1st respondent had filed an application before the 2nd respondent alleging that the petitioners have not extended the minimum rate of wages in terms of G.O.Ms.No.59 dated 10.10.2014 and as such a sum of Rs.10,12,271 was claimed along with interest as differential minimum wages besides compensation. The said application was filed with a delay and despite the opposition by the petitioners, the



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delay was condoned and the minimum wages application was numbered as MW.115 of 2017.

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(v) The petitioners thereafter took out an application objecting to the maintainability of the claim stating that the petitioners and similarly placed industries cannot be asked to apply the minimum wages applicable to tailoring industries. In fact, the Government by G.O.Ms.No.179 dated 30.11.2018 had included “ Home Textile Industry” covering bedroom textile, bathroom, living room textile industry and kitchen textile under Part-I of the Schedule to Minimum Wages Act. A Committee was appointed under the Chairmanship of the Joint Commissioner of Labour, Dindigul for fixing the minimum rate of wages for employment in Home Textiles. After deliberations and meeting between the employer and employees, a report was submitted to the Government. Accepting the recommendation of the Commissioner of Labour by G.O.(2D)No.46 dated 23.11.2021, the Government had issued a notification fixing the minimum rate of wages for the employees working in Home textiles.



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(vi) The application questioning the maintainability was numbered as M.W. I.A.No.2 of 2022 in .M.W.No.115 of 2017. The 1st respondent opposed the said application stating that petitioners had involved in various activities including tailoring. The 2nd respondent however held that this objection could be decided only in the main application and consequently, rejected the plea of the petitioners. Challenging the same, the petitioners are before this Court.

4. Heard the learned counsels on both sides and perused the materials available on record.

5. The claim of the 1st respondent before the 2nd respondent is that the minimum wages relevant to a tailoring industry is applicable to the petitioners. However, the petitioners' contention is that their industries do not have any tailoring activities and consequently, the minimum wages relevant for tailoring industry would not be applicable to them. The Government, recognizing the difference, has also passed a G.O.(2D)No.46 dated 23.11.2021 fixing the minimum rate of wages for the employees working in Home Textiles. The various categories that



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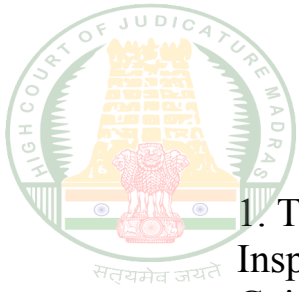
have been specified thereunder contain the activities which are undertaken by the petitioner's Industry. Therefore, whether the minimum wages relevant for the tailoring industry would apply to the petitioners has to be first considered before deciding the claim of the 1st respondent. Therefore, the 2nd respondent has failed to appreciate the above aspect and erroneously held that the application has to be considered along with M.W.No.115 of 2017.

6. Accordingly, these writ petitions are allowed and the matters are remitted back to the 1st respondent to first consider the preliminary issue and thereafter, proceed with the matter. No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,



W.P.Nos.13529 and 13591 of 2023

1. The Deputy Director of Industrial Safety and Health,
Inspector of Factories,
Coimbatore.

2. The Deputy Director of Industrial Safety and Health,
Inspector of Factories,
Udagamandalam -6

3. The Joint Commissioner of Labour,
(Authority under the Minimum Wages Act, 1948)
Coimbatore – 641 018.

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P.T.ASHA, J.,

srn

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and W.M.P.Nos.13200 and 13265 of 2023

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