

2013
Judgement HC

12999/13

M. S. Raghuram

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11TH DAY OF MARCH, 2013

BEFORE

THE HON'BLE MR. JUSTICE H.N. NAGAMOHAN DAS

W.P. No. 7649/2010 c/w W.P.No.14135/2010 (L-RES)

W.P. No. 7649/2010

BETWEEN

GARMENT AND TEXTILE WORKERS
UNION, R/BY MR K R JAYARAM
VICE PRESIDENT
NO.27, 5TH MAIN, 6TH CROSS
SAMPANGIRAMANAGARA
BANGALORE - 560 027.

... PETITIONER

(By Sri. A.J. SRINIVASAN, Adv.)

AND

1. THE UNDER SECRETARY
DEPARTMENT OF LABOUR
GOVT OF KARNATAKA
VIKAS SOUDHA
BANGALORE-560 001.
2. THE COMMISSIONER OF LABOUR
KARMIKARA BHAVAN
BANNERGHATTA ROAD
BANGALORE- 560 029.



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TO THE ISSUANCE OF THE NOTIFICATION REVISING THE MINIMUM WAGES FOR TAILORING INDUSTRY DT.2.3.09, & THE IMPUGNED NOTIFICATION DT.30.3.10, & GRANT THE PETITIONERS.

THESE WRIT PETITIONS COMING ON FOR HEARING THIS DAY, THE COURT PASSED THE FOLLOWING;

ORDER

Petitioner is a trade Union representing the workmen in the garment industry. On 21.03.2007 the respondent Government issued a draft notification proposing increase in minimum wages. Two years later that is on 02.03.2009 a final notification was issued fixing the minimum wages in garment industry at ₹96.20/- per day on the Bench Mark price index point 2703 at the rate of 3 paise per point. It further specifies that beyond the Bench Mark Point of 2703 the workmen are entitled for 4 paise for every point. Even after this final notification on 02.03.2009 the same was not implemented for sufficient length of time. Therefore the petitioner Union approached this Court in W.P. No. 7649/2010 for a writ of mandamus to implement the final notification dated 02.03.2009.



2. During the pendency of W.P. No. 7649/2010 the respondent Government issued a notification on 30.03.2010 refixing the minimum wages at ₹114.10/- on the Bench Mark Price Index point 3196 and further specified that for every extra point beyond 3196 the workmen are entitled for 4 paise. Being aggrieved by the second notification dated 30.03.2010 the petitioner Union is before this Court in W.P. No. 14135/2010.

3. Heard arguments on both the side and perused the entire writ papers.

4. The petitioner Union has no grievance insofar as the first final notification dated 02.03.2009. The second final notification dated 30.03.2010 was issued on the ground that there are clerical errors in the first final notification dated 02.03.2009. On careful perusal of the earlier notification and the subsequent notification I do not find any clerical error as such. On the other hand there is a substantial change in the basic entitlement of the workmen in the



garment industry. According to the petitioner Union the change in the second notification is to the disadvantage of each workman up to ₹150/-. Without hearing the petitioner Union and providing them an opportunity this unilateral change from first final notification to the second final notification is prejudicial to the interest of the workmen in the garment industry and they are affected. On this ground the impugned second final notification dated 30.03.2010 insofar as it relates to garment industry is liable to be set aside.

5. For the reasons stated above, the following;

ORDER

- i. Writ petition No. 7649/2010 is hereby disposed off.
- ii. Writ petition No. 14135/2010 is partly allowed.
- iii. The impugned second final notification dated 30.03.2010 fixing the minimum wages insofar as it relates to the workmen in the garment industry is hereby quashed.
- iv. The matter is remanded to respondent No. 1 to provide an opportunity to the petitioner Union and also to respondent



No. 3 management and all other concerned and to pass appropriate orders in accordance with law as expeditiously as possible and in any event not later than three months from the date of receipt of copy of this order.

- v. Till a fresh order is passed by respondent No. 1 the present minimum wages paid to the workmen in garment industry shall continue.

Sd/-
JUDGE.



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15/3/13
Section Officer, 15/3/13
High Court of Karnataka
Bangalore-560 001.

- a) The date on which the application was made 12.3.13
b) The date on which charges and additional Charges if any are called for
c) The date on which charges and additional Charges if any are deposited/Paid
d) The date on which the copy is ready 15.3.13
e) The date of notifying that the copy is ready for delivery 15.3.13
f) The date on which the applicant is required to appear on or before 15.3.13
g) The date on which the copy is delivered to the Applicant 19.3.13
h) Examined by 18/3/13