



ABSTRACT

Industrial Disputes Act, 1947 – Lay-off – Management of M/s.Ambattur Fashion India Private Limited (B-09), Industrial Estate, Ambattur, Chennai - Application for permission to Lay-off of workmen – Orders of the Hon'ble High Court of Madras dated 30.09.2020 in W.P.No.11588/2020 – Permission granted – Orders issued.

LABOUR AND EMPLOYMENT (A1) DEPARTMENT

G.O.(Ms.) No.175

Dated: 05.11.2020

சார்வரி வருடம், ஐப்பசி – 20
திருவள்ளூர் ஆண்டு –2051.

Read:-

1. From the Management of M/s.Ambattur Fashion India Private Limited (B-09), Chennai, Application dated 18.06.2020.
2. G.O. (Ms) No.133, Labour and Employment (A1) Department, dated 18.08.2020.
3. Orders of Hon'ble High Court of Madras, dated 30.09.2020 in W.P.No.11588/2020.
4. Government Letter No.12305/A1/2020-7, Labour and Employment (A1) Department, dated 17.10.2020.
5. From the Commissioner of Labour, Letter No.B1/14600/2020, dated 21.10.2020.

ORDER:

The Management of M/s.Ambattur Fashion India Private Limited (B-09) has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments have been cancelled by their buyers due to out break of COVID-19. The Government examined the application and rejected the request of the management of M/s.Ambattur Fashion India Private Limited (B-09) for lay-off of workmen vide G.O. (Ms) No.133, Labour and Employment (A1) Department, dated 18.08.2020.

(p.t.o)

2. The Management of M/s.Ambattur Fashion India Private Limited (B-09) filed a writ petition (W.P.No.11588/2020) before the High Court of Madras to quash the Government order second read above. In the order third read above, the Hon'ble High Court of Madras, has ordered as follows:-

"In view of the foregoing discussion, the impugned order in G.O. (Ms) No.133, Labour and Employment (A1) Department, Dated 18.08.2020 passed by the First Respondent is set aside and the matter is remitted to the First Respondent for fresh consideration by duly taking into account the subsequent reports from the officials of the Labour Department and the Advocate Commissioner regarding the consent of the workmen for lay-off in the establishment of the Petitioner".

Among others, the Hon'ble High Court of Madras has also ordered to examine the aspect whether the benefit of deemed approval is available to the Petitioner in the present case and pass orders on merits and in accordance with law.

3. In the letter fifth read above, the Commissioner of Labour has stated that the management of M/s.Ambattur Fashion India Private Limited (B-09) had applied for lay-off permission on 18.06.2020 for the period of one year. Based on the direction of the High Court of Madras, dated 27.08.2020 to obtain the views of the workers on the lay-off, enquiry held on 09.09.2020. It was ascertained that all the 316 employees who were present in the enquiry have agreed the lay-off. As on date the Government has withdrawn the lockdown restrictions due to Covid-19 and most of the industries have started functioning. This industrial establishment continues to be working for one shift (general shift) even after applying for lay-off. In this Industrial establishment, so far (upto 17.10.2020) more than 54% of workers (434 out of 795) resigned their job and received their legal dues and thus a sizable number of workers has already been reduced. Hence considering the present scenario, Government may decide on granting of permission to lay-off based on the personal enquiry with the employer and the employees.

4. The Management of M/s.Ambattur Fashion India Private Limited (B-09) in letter dated 29.05.2020 has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments have been cancelled by their buyers due to out break of COVID-19. As the date of application for lay-off was 29.05.2020 and the date of effect of lay-off requested was 01.06.2020, in Government letter dated 16.06.2020, the application of the Management requesting lay-off was returned for resubmission well in advance providing sufficient time for examining the request. Again in letter dated 18.06.2020, the Management of M/s.Ambattur Fashion India Private Limited has requested the Government to grant permission to lay-off their workmen. The application was received by the Government on 20.06.2020. The 60 days period is completed by 19.08.2020. The Government examined the application and rejected the request of the management of M/s.Ambattur Fashion India Private Limited (B-09) for lay-off of workmen vide Government Order second read above, within a period of sixty days. Hence the benefit of deemed approval as per section 25M of the Industrial Disputes Act, 1947 is not available to the petitioner in the present case.

5. The Government conducted personal hearing with the Management and workers representatives of M/s.Ambattur Fashion India Private Limited (B-09) on 29.10.2020 and contentions of both the parties were heard. The Management said that eventhough they continue to work in the present COVID-19 situation, it is hard to manage the situation without sufficient orders and they requested permission to lay-off their workers till July 2021. The workers representatives agreed for the lay-off as requested by the Management till July 2021. The Commissioner of Labour has also reported that all the 316 employees in B-09 unit who were present during the enquiry held on 09.09.2020 have agreed for the lay-off.

6. The Government have examined the application for the lay-off of Workmen of M/s.Ambattur Fashion India Private Limited (unit B-09), Chennai with subsequent reports of Commissioner of Labour and personal hearing. As the Covid situation is improving and the economy is also opening Government have decided to grant lay-off till 31.03.2021 only and orders accordingly.

(BY ORDER OF THE GOVERNOR)

**Md. NASIMUDDIN
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To
The Management,
M/s.Ambattur Fashion India Private Limited,
B-09, Industrial Estate, Ambattur, Chennai -58.
The Workers Representatives,
M/s.Ambattur Fashion India Private Limited,
B-09, Industrial Estate, Ambattur, Chennai -58.

Copy to:

- ✓ The Commissioner of Labour, Chennai-6.
- The Deputy Commissioner of Labour, Chennai-108.
- The Senior Personal Assistant to Hon'ble Minister for Labour, Chennai-9.
- The Senior Private Secretary to Additional Chief Secretary
Labour and Employment Department, Chennai-9.
- The Labour and Employment (OP-II) Department, Chennai-9.
- Stock File / Clean Copy (C.No.12305/A1/2020)

//FORWARDED BY ORDER //

6. 21/11/2020
SECTION OFFICER.

Gm
5/11/2020



ABSTRACT

Industrial Disputes Act, 1947 – Lay-off – Management of M/s.Ambattur Fashion India Private Limited (D-15), Industrial Estate, Ambattur, Chennai - Application for permission to Lay-off of workmen – Orders of the Hon'ble High Court of Madras dated 30.09.2020 in W.P.No.11590/2020 – Permission granted – Orders issued.

LABOUR AND EMPLOYMENT (A1) DEPARTMENT

G.O.(Ms.) No.176

Dated: 05.11.2020

சார்வரி வருடம், ஐப்பசி - 20

திருவள்ளூர் ஆண்டு - 2051.

Read:-

1. From the Management of M/s.Ambattur Fashion India Private Limited (D-15), Chennai, Application dated 18.06.2020.
2. G.O. (Ms) No.134, Labour and Employment (A1) Department, dated 18.08.2020.
3. Orders of High Court of Madras, dated 30.09.2020 in W.P.No.11590/2020.
4. Government Letter No.12305/A1/2020-7, Labour and Employment (A1) Department, dated 17.10.2020.
5. From the Commissioner of Labour, Letter No.B1/17737/2020, dated 21.10.2020.

ORDER:

The Management of M/s.Ambattur Fashion India Private Limited (D-15) has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments have been cancelled by their buyers due to out break of COVID-19. The Government examined the application and rejected the request of the management of M/s.Ambattur Fashion India Private Limited (D-15) for lay-off of workmen vide G.O. (Ms) No.134, Labour and Employment (A1) Department, dated 18.08.2020.

(p.t.o)

2. The Management of M/s.Ambattur Fashion India Private Limited (D-15) filed a writ petition (W.P.No.11590/2020) before the High Court of Madras to quash the Government order second read above. In the order third read above, the Hon'ble High Court of Madras, has ordered as follows:-

"In view of the foregoing discussion, the impugned order in G.O. (Ms) No.134, Labour and Employment (A1) Department, Dated 18.08.2020 passed by the First Respondent is set aside and the matter is remitted to the First Respondent for fresh consideration by duly taking into account the subsequent reports from the officials of the Labour Department and the Advocate Commissioner regarding the consent of the workmen for lay-off in the establishment of the Petitioner".

Among others, the Hon'ble High Court of Madras has also ordered to examine the aspect whether the benefit of deemed approval is available to the Petitioner in the present case and pass orders on merits and in accordance with law.

3. In the letter fifth read above, the Commissioner of Labour has stated that the management of M/s.Ambattur Fashion India Private Limited (D-15) had applied for lay-off permission on 18.06.2020 for the period of one year. Based on the direction of the High Court of Madras, dated 27.08.2020 to obtain the views of the workers on the lay-off, enquiry held on 09.09.2020. It was ascertained that all the 688 employees who were present in the enquiry have agreed the lay-off. As on date the Government has withdrawn the lockdown restrictions due to Covid-19 and most of the industries have started functioning. This industrial establishment continues to be working for one shift (general shift) even after applying for lay-off. In this Industrial establishment, so far (upto 17.10.2020) more than 37% of workers (470 out of 1244) resigned their job and received their legal dues and thus a sizable number of workers has already been reduced. Hence considering the present scenario, Government may decide on granting of permission to lay-off based on the personal enquiry with the employer and the employees.

4. The management of M/s.Ambattur Fashion India Private Limited (D-15) in letter dated 29.05.2020 has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments have been cancelled by their buyers due to out break of COVID-19. As the date of application for lay-off was 29.05.2020 and the date of effect of lay-off requested was 01.06.2020, in Government letter dated 16.06.2020, the application of the management requesting lay-off was returned for resubmission well in advance providing sufficient time for examining the request. Again in letter dated 18.06.2020, the Management of M/s.Ambattur Fashion India Private Limited has requested the Government to grant permission to lay-off their workmen. The application was received by the Government on 20.06.2020. The 60 days period is completed by 19.08.2020. The Government examined the application and rejected the request of the management of M/s.Ambattur Fashion India Private Limited (D-15) for lay-off of workmen vide Government Order second read above within a period of sixty days. Hence the benefit of deemed approval as per section 25M of the Industrial Disputes Act, 1947 is not available to the petitioner in the present case.

5. The Government conducted personal hearing with the Management and workers representatives of M/s.Ambattur Fashion India Private Limited (D-15) on 29.10.2020 and contentions of both the parties were heard. The Management said that eventhough they continue to work in the present COVID-19 situation, it is hard to manage the situation without sufficient orders and they requested permission to lay-off their workers till July 2021. The workers representatives agreed for the lay-off as requested by the Management till July 2021. The Commissioner of Labour has also reported that all the 688 employees in D-15 unit who were present during the enquiry held on 09.09.2020 have agreed for the lay-off.

6. The Government have examined the application for the lay-off of Workmen of M/s.Ambattur Fashion India Private Limited (unit D-15), Chennai with subsequent reports of Commissioner of Labour and personal hearing. As the Covid situation is improving and the economy is also opening Government have decided to grant lay-off till 31.03.2021 only and orders accordingly.

(BY ORDER OF THE GOVERNOR)

Md. NASIMUDDIN
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To
The Management,
M/s.Ambattur Fashion India Private Limited,
D-15, Industrial Estate, Ambattur, Chennai-58.
The Workers Representatives,
M/s.Ambattur Fashion India Private Limited,
D-15, Industrial Estate, Ambattur, Chennai -58.

Copy to:

✓ The Commissioner of Labour, Chennai -6.
The Deputy Commissioner of Labour, Chennai -108.
The Senior Personal Assistant to Hon'ble Minister for Labour, Chennai - 9.
The Senior Private Secretary to Additional Chief Secretary,
Labour and Employment Department, Chennai -9.
The Labour and Employment (OP-II) Department, Chennai -9.
Stock File / Clean Copy (C.No.12305/A1/2020)

//FORWARDED BY ORDER//

கு. அபிராமி
5/11/2020

SECTION OFFICER.

Ques
5/11/2020



ABSTRACT

Industrial Disputes Act, 1947 – Lay-off – Management of M/s.Magic Clothing Private Limited, Industrial Estate, Ambattur, Chennai - Application for permission to Lay-off of workmen – Orders of the Hon'ble High Court of Madras dated 30.09.2020 in W.P.No.11592/2020 – Permission granted – Orders issued.

LABOUR AND EMPLOYMENT (A1) DEPARTMENT

G.O.(Ms.) No.177

Dated: 05.11.2020

சார்வரி வருடம், ஐப்பசி- 20 ,
திருவள்ளூர் ஆண்டு 2051.

Read:-

1. From the Management of M/s. Magic Clothing Private Limited, Chennai, Application dated 18.06.2020.
2. G.O. (Ms) No.135, Labour and Employment (A1) Department, dated 18.08.2020.
3. Orders of High Court of Madras, dated 30.09.2020 in W.P.No.11592/2020.
4. Government Letter No.12407/A1/2020-5, Labour and Employment (A1) Department, dated 17.10.2020.
5. From the Commissioner of Labour, Letter No.B1/14601/2020, dated 21.10.2020.

ORDER:

The Management of M/s.Magic Clothing Private Limited, Chennai has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments sample have been cancelled by their principal manufacturers due to out break of Covid-19. The Government examined the application and rejected the request of the management of M/s.Magic Clothing Private Limited, Chennai for lay-off of workmen vide G.O. (Ms) No.135, Labour and Employment (A1) Department, dated 18.08.2020.

2. The Management of M/s.Magic Clothing Private Limited, Chennai filed a writ petition (W.P.No.11592 of 2020) before the High Court of Madras to quash the

(p.t.o)

Government order second read above. In the order third read above, the Hon'ble High Court of Madras, has ordered as follows:-

"In view of the foregoing discussion, the impugned order in G.O. (Ms) No.135, Labour and Employment (A1) Department, dated 18.08.2020 passed by the First Respondent is set aside and the matter is remitted to the First Respondent for fresh consideration by duly taking into account the subsequent reports from the officials of the Labour Department and the Advocate Commissioner regarding the consent of the workmen for lay-off in the establishment of the Petitioner".

Among others, the Hon'ble High Court of Madras has also ordered to examine the aspect whether the benefit of deemed approval is available to the Petitioner in the present case and pass orders on merits and in accordance with law.

3. In the letter fifth read above, the Commissioner of Labour has stated that, the management of M/s.Magic Clothing Private Limited, Chennai had applied for lay-off permission on 18.06.2020 for the period of one year. Based on the direction of the High Court of Madras dated 27.08.2020 to obtain the views of the workers on the lay-off, enquiry held on 09.09.2020. It was ascertained that all the 72 employees who were present during the enquiry have agreed the lay-off. As on date the Government has withdrawn the lockdown restrictions due to Covid-19 and most of the industries have started functioning. This industrial establishment continues to be working for one shift (general shift) even after applying for lay-off. In this Industrial establishment, so far (upto 17.10.2020) more than 68% of workers (106 out of 154) resigned their job and received their legal dues and thus a sizable number of workers has already been reduced. Hence considering the present scenario, Government may decide on granting of permission to lay-off based on the personal enquiry with the employer and the employees.

4. The management of M/s.Magic Clothing Private Limited, Chennai in letter dated 29.05.2020 has requested the Government to grant permission to lay-off their workmen with effect from 01.06.2020 as orders for the manufacture of readymade garments sample have been cancelled by their principal manufacturers Ambattur Fashion India Private Limited, Chennai due to Covid-19. As the date of application for lay-off was 29.05.2020 and the date of effect of lay-off requested was 01.06.2020, in Government letter dated 16.06.2020 the application of the Management requesting lay-off was returned for resubmission well in advance providing sufficient time for examining the request. Again in letter dated 18.06.2020, the Management of M/s.Magic Clothing Private Limited, Chennai has requested the Government to grant permission to lay-off their workmen. The application was received by the Government on 20.06.2020. The 60 days period is completed by 19.08.2020. The Government examined the application and rejected the request of the management of M/s.Magic Clothing Private Limited, Chennai for lay-off of workmen vide Government Order second read above within a period of sixty days. Hence the benefit of deemed approval as per section 25M of the Industrial Disputes Act, 1947 is not available to the petitioner in the present case.

5. The Government conducted personal hearing with the Management and workers representatives of M/s.Magic Clothing Private Limited on 29.10.2020 and contentions of both the parties were heard. The Management said that eventhough they continue to work in the present Covid-19 situation, it is hard to manage the situation without sufficient orders and they requested permission to lay-off their workers till July 2021. The workers representatives agreed for the lay-off as requested by the Management till July 2021. The Commissioner of Labour has also reported that all the 72 employees who were present during the enquiry held on 09.09.2020 have agreed for the lay-off.

6. The Government have examined the application for the lay-off of workmen of M/s.Magic Clothing Private Limited, Chennai with subsequent reports of Commissioner of Labour and personal hearing. As the Covid situation is improving and the economy is also opening Government have decided to grant lay-off till 31.03.2021 only and orders accordingly.

(BY ORDER OF THE GOVERNOR)

**Md. NASIMUDDIN
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

- ✓ The Management,
M/s. Magic Clothing Private Limited,
B-12, 1st floor, Industrial Estate, Ambattur, Chennai – 58.
The Workers Representatives,
M/s. Magic Clothing Private Limited,
B-12, 1st floor, Industrial Estate, Ambattur, Chennai –58.

Copy to:

- The Commissioner of Labour, Chennai-6.
The Deputy Commissioner of Labour, Chennai-108.
The Senior Personal Assistant to Hon'ble Minister for Labour, Chennai-9.
The Senior Private Secretary to Additional Chief Secretary,
Labour and Employment Department, Chennai-9.
The Labour and Employment (OP-II) Department, Chennai-9.
Stock File / Clean Copy (C.No.12407/A1/2020)

//FORWARDED BY ORDER//

கு. அப்துல்
5/11/2020
SECTION OFFICER.
சுமர்
5/11/2020