

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.35452 to 35454 of 2015
and M.P.Nos.1 to 1 of 2015

Raak Nursing and Paramedical College,
Rep. By Secretary Mohamed Illiyas,
No.1, Muthupillaipalayam Road,
G.N.Palayam, Sulthanpet Post,
Puducherry - 605 110 ...Petitioner in W.P.No.35452 of 2015

Raak International High School,
Rep. By Secretary Z.Abdul Rahman,
No.21, Vaikkal Street
Sulthanpet Post,
Puducherry ...Petitioner in W.P.No.35453 of 2015

Raak College of Engineering and Technology,
Rep. By Secretary K.Ragavendran,
No.1, Muthupillaipalayam Road,
G.N.Palayam, Sulthanpet Post,
Puducherry - 605 110 ...Petitioner in W.P.No.35454 of 2015

Vs

1. The Government of Puducherry,
Rep. By Additional Secretary to Government
(Labour), Labour Department,
General Secretariat, Puducherry
2. The Employees' State Insurance Corporation,
Regional Office (Puducherry)
rep. By its Regional Director,
Bouvakare street, Muthaliarpur,
Puducherry - 605004. ...Respondents in W.P.Nos.35452,
35453 and 35454 of 2015

Prayer : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the Notifications bearing No.6563/Lab./K/2004 dated 24.06.2005 and No.7237/Lab/K/2010 dated 02.06.2011 issued by the 1st Respondent as null and void ultra vires the provisions of the Employees State Insurance Act, 1948 (ESI Act) and Violative of the provisions of the Constitution of India in so far as the petitioners are concerned.

For Petitioners : Mr.K.Muthukumarasamy

For Respondents : Mr.M.Govindaraj
Government Pleader, Pondicherry
assisted by Mr.A.Tamilvanan
Government Advocate for R1

Mr.S.P.Srinivasan for R2

O R D E R

Heard Mr.K.Muthukumarasamy, learned counsel appearing for the petitioners and Mr.M.Govindaraj, learned Government Pleader Pondicherry appearing for the 1st respondent and Mr.S.P.Srinivasan, learned counsel appearing for 2nd Respondent/Corporation. With the consent of either side, the Writ Petitions themselves are taken up for final disposal at the admission stage.

2.The learned counsel on either side agree that issue involved in these Writ Petitions are covered by the decision of the 1st Bench of this Court in Writ Appeal Nos.918 of 2013 etc., batch dated 16.06.2015. The said batch of case were disposed by a Common Judgment which reads as follows:-

"Learned counsel for the parties state that as recorded in the order dated 05.05.2005, reported in 2005(5) SCC 1 (State of U.P.Vs. Jai Bjr Singh), the question of law has been referred to the Larger Bench of the Honourable Supreme Court, i.e., whether the Employees' State Insurance Act, 1948, would apply to educational institutions. Interim Orders have been operating in the present matters.

2. In view of the aforesaid position, the writ appeals and the writ petitions were disposed of by agreement that the interim orders would continue till the disposal of the matter by the Honourable Supreme Court and the parties would naturally remain bound by the legal position enunciated by the Honourable Supreme Court on such decision being rendered. No costs. Consequently, connected miscellaneous petitions are closed."

In the light of the above, these Writ Petitions stand disposed of on the same terms as per order passed by the 1st Bench dated 16.06.2015. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Additional Secretary to Government (Labour),
The Government of Puducherry,
Labour Department,
General Secretariat, Puducherry
2. The Regional Director,
The Employees' State Insurance Corporation,
Regional Office (Puducherry)
Bouvakare street, Muthaliarpeta,
Puducherry - 605004

1 CC to Mr.S.P.Srinivasan, Advocate SR.No. 60897

1 CC to Mr.K.Muthukumarasamy, Advocate SR.No. 59986

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and M.P.Nos.1 to 1 of 2015

MG (CO)
PSI (19.11.2015)