

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.35938/2015 & MP.Nos.1&2/2015

Sri Manickam Matriculation
Higher Secondary School, rep by its
Correspondent Mr.M.A.Murugappan
MRM Nagar, Sivapuram Post,
Pudukottai 622 422.

..Petitioner

Versus

1.The Principal Secretary to Government
State of Tamilnadu, Labour &
Employment Department, Fort St George
Chennai 600 009.

2.The Regional Director,
Employees State Insurance
Corporation, 'Panchdeep',
Sterling Road, Nungambakkam,
Chennai 600 034.

3.The Deputy Director
[INS II], Employees' State Insurance
Corporation, II West Street, K.K.Nagar
Madurai-20.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari or any other appropriate writ, order or direction in the nature of a writ calling for the records in respect of the Impugned Notification issued by the First Respondent in G.O.Ms. No.237 Labour & Employment (K1) Department dated 26-11-2010 as Published in the Tamil Nadu Government Gazette No.51 dated 29-12-2010 in Part-II Section-II and consequential impugned order passed by the 3rd respondent Vide Na.Ka.No.57000738110001302/81020151137 dated 10-08-2015 and Quash the same.

For Petitioner :	Mr.M.Venkadeshnan
For R1 :	Mr.R.Rajeswaran, Spl.GP
For RR 2 & 3 :	Mr.S.P.Srinivasan

ORDER

Heard Mr.Venkadeshan, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the 1st respondent and Mr.S.P.Srinivasan, learned counsel accepting notice for the respondents 2 and 3 and with their consent, the writ petition is disposed of at the admission stage itself.

2 In a batch of cases, the First Bench of this Court in WA.No.918/2011 etc., batch, has considered the identical prayer and disposed of the appeals as well as the writ petitions, by passing the order dated 16.06.2015, 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 Bir 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 are 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."

3 In the light of the above, this writ petition is also disposed of in terms of the order cited above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Principal Secretary to Government
State of Tamilnadu, Labour &
Employment Department, Fort St George
Chennai 600 009.

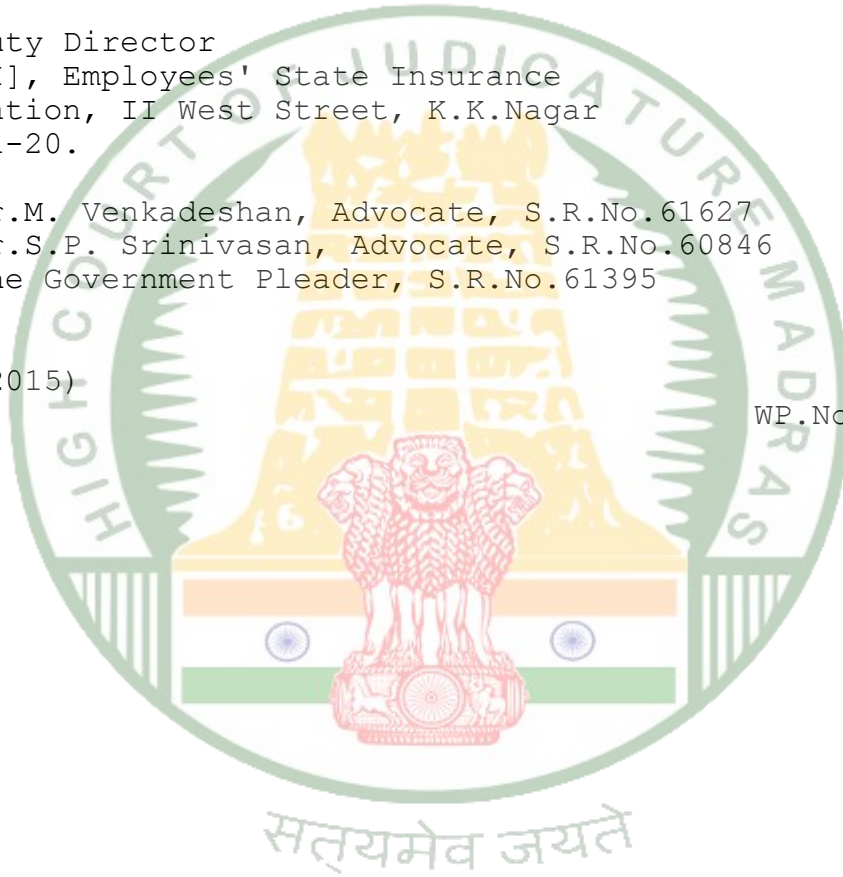
2.The Regional Director,
Employees State Insurance
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Sterling Road, Nungambakkam,
Chennai 600 034.

3.The Deputy Director
[INS II], Employees' State Insurance
Corporation, II West Street, K.K.Nagar
Madurai-20.

+1cc to Mr.M. Venkadesh, Advocate, S.R.No.61627
+1cc to Mr.S.P. Srinivasan, Advocate, S.R.No.60846
+1cc to the Government Pleader, S.R.No.61395

SK(CO)
EU(20/11/2015)

WP.No.35938/2015



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