

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

Writ Appeal Nos. 918, 3, 4 and 222 of 2013 and

W.P.Nos.27895 of 2011;

23986, 19758, 23889, 33133, 29653 & 29654 of 2012;

30613, 22240, 18199, 18200, 20185, 26661, 30185,

27677, 24371, 24612 & 31640 of 2013;

25883, 11327, 11328, 29254, 31194, 30474,

24717, 16892, 28115 & 6563 to 6565 of 2014;

and

W.P.Nos. 6734 and 8701 of 2015

- 1 TAMILNADU NURSERY PRIMARY
MATRICULATION AND HIGHER SECONDARY SCHOOLS
MANAGEMENTS ASSOCIATION
REP BY ITS GS MR. D.CHRISTDASS
OLD NO. 64 NEW 122 CHENNAI -600005.
... PETITIONER in WA No.918 of 2013
- 1 MUTHU RATHINA ARANGAM
MATRICULATION SCHOOL KOUNDANPALAYAM
PUDUCHERRY REP BY ITS ADMINISTRATIVE
OFFICER MR.E.KRISHNAMURTHY
... PETITIONER in WA No.3 of 2013
- 1 SRI SAIMATHA ENGLISH HIGH SCHOOL
REP BY ITS CORRESPONDENT MR.V.BALAKRISHNAN
DRAUPATHI AMMAN KOIL ST DHARMAPURI
... PETITIONER in WA No.4 of 2013
- 1 TAMILNADU NURSERY PRIMARY
MAT. AND HR. SEC. SCHOOL ASSOCIATION
REGN.NO.138/2003 REP BY ITS STATE GENERAL
SECRETARY K.R.NANDAKUMAR NO.14/260 II FLR
PETERSRD ROYAPETTAH
... PETITIONER in WA No.222 of 2013

- 2 1- CAUSE TITLE AMENDED
VIDE ORDER OF COURT DT.12/2/2015 MADE IN
MP1/2015 IN WANO.222/2013
- 1 P.S.N.A.COLLEGE OF ENGINEERING
AND TECHNOLOGY KOTHANDARAMAN NAGAR
DINDIGUL RUNNING BY SRI RANGALAKSHMI EDUL.
TRUST NO.18 MARIAMMAN KOIL ST
WEST K.K.NAGAR CHENNAI 78
... PETITIONER in WP No.27895 of 2011
- 1 JAYAGOVIND HARIGOPAL AGARWAL
AGARSEN COLLEGE NO.1 MANJAMBAKKAM ROAD
MADHAVARAM CHENNAI 60
... PETITIONER in WP No.23986 of 2012
- 1 SRI KANYAKA PARAMESWARI
ARTS & SCIENCE COLLEGE FOR WOMEN
REP. BY ITS SECRETARY NO.1
AUDIAPPA NAICKEN STREET CHENNAI-1.
... PETITIONER in WP No.19758 of 2012
- 1 SAI RAM MATRICULATION HIGHER
SECONDARY SCHOOL REP. BY ITS SECRETARY
-MR.M. VASU NO.5 HAKKIM AJMAL KHAN ROAD
GORIPALAYAM MADURAI AND DISTRICT
PIN-625002.
... PETITIONER in WP No.23889 of 2012
- 1 ISLAMIAH COLLEGE (AUTONOMOUS)
REP. BY ITS SECRETARY & CORRESPONDENT
NEW TOWN VANIYAMBADI 635 752
... PETITIONER in WP No.33133 of 2012
- 1 JOSHUA MATRICULATION SCHOOL
REP. BY THE CORRESPONDENT S.EDITH
AMBEDKAR STREET EXTENSION
OLD PERUNGALATHUR CHENNAI-63.
... PETITIONER in WP No.29653 of 2012
- 1 M.R.MATRICULATION HIGHER
SECONDARY SCHOOL REP. BY ITS SECRETARY
R.PREMKUMAR NO.69 NERKUNDRAM ROAD
METTUKUPPAM-107.
... PETITIONER in WP No.29654 of 2012

- 1 ASSOCIATION OF MANAGEMENT OF
PVT.SCHOOLS REP BY ITS SECRETARY
GIRIDHARI P SHAH RAJA ANNAMALAI ROAD
COIMBATORE 640 011
... PETITIONER in WP No.30613 of 2013
- 1 SAM PAUL EDUCATIONAL TRUST
NO.1 JAYA NAGAR REDDIARPALAYAM
PUDUCHERRY-10
REP. BY ITS CHAIRMAN DR. S.R.S.PAUL.
... PETITIONER in WP No.22240 of 2013
- 1 ALVERNIA MATRIC HR. SEC SCHOOL
REP. BY ITS PRINCIPAL REV.SR.SELINA
TRICHY ROAD RAMANATHAPURAM COIMBATORE.
... PETITIONER in WP No.18199 of 2013
- 1 DON BOSCO MAT. HR. SEC. SCHOOL
REP. BY ITS CORRESPONDENT
REV. FR.S.X.AMAL RAJ
SRINIVASA NAGAR CHENNAI-99
... PETITIONER in WP No.18200 of 2013
- 1 OUR LADY OF LOURDES HR. SEC. SCHOOL
REP. BY ITS CORRESPONDENT REV.SR. FATIMA
KOTTAMPATTY PALLADAM ROAD POLLACHI-642 002.
... PETITIONER in WP No.20185 of 2013
- 1 DR.G.S.KALYANASUNDARAM MEMORIAL SCHOOL
(FOUNDED & MANAGED BY GKR FOUNDATION)
REP. BY CORRESPONDENT S.VIJAYARAGHAVAN
PATTESWARAM RD CHOZHAN MALIGAI
KUMBAKONAM TK-612 703
... PETITIONER in WP No.26661 of 2013
- 1 ST. JOSEPHS INSTITUTE OF TECHNOLOGY
REP. BY ITS PRINCIPAL JEPPIAAR NAGAR
RAJIV GANDHI SALAI CHENNAI-119
... PETITIONER in WP No.30185 of 2013
- 1 ANNAI VAILANKANNI MATRICULATION SCHOOL
REP.BY ITS CORRESPONDENT
REP.FR.BALA SAMY SASTRI NAGAR
VYASARPADI VYASARPADI CHENNAI-39
... PETITIONER in WP No.27677 of 2013

- 1 ST.JOSEPHS COLLEGE OF ENGINEERING
REP.BY ITS PRINCIPAL JEPPIAAR NAGAR
RAJIV GANDHI SALAI CHENNAI-119
... PETITIONER in WP No.24371 of 2013
- 1 TAMILNADU PRIVATE SCHOOLS ASSN.
REP BY ITS SECRETARY S.P.D.KANAGASABAI
AT G.S.R.MATRIC HIHER SECONDARY SCHOOL
PALAMALAI ROAD PERIANAICKENPALAYAM
COIMBATORE 20
... PETITIONER in WP No.24612 of 2013
- 1 OUR LADY OF HEALTH NURSERY AND PRIMARY SCHOOL
REP. BY ITS CORRESPONDENT
REV. SR. JEYASEELI LITTLE MOUNT CHENNAI-15
... PETITIONER in WP No.31640 of 2013
- 1 TAMIL NADU MATRICULATION SCHOOLS ASSN.
REP. BY GENL. SECRETARY Y.S.V.SUBBA RAO @ BABU
DURGA MATRIC. HR. SEC. SCHOOL
1/49 SIVAN KOIL ST KODAMBAKKAM
POWER HOUSE CH-24.
... PETITIONER in WP No.25883 of 2014
- 1 DON BOSCO MATRICULATION SCHOOL
REP. BY ITS CORRESPONDENT G.N.T.ROAD
KARANODAI CHENNAI-67
... PETITIONER in WP No.11327 of 2014
- 1 NAVA JYOTHI VIDYALAYA MATRIC. SCHOOL
REP. BY ITS CORRESPONDENT 56/22A
BRINDAVAN NAGAR ERNAVOOR CHENNAI-57
... PETITIONER in WP No.11328 of 2014
- 1 TAMIL NADU NURSERY & PRIMARY
SCHOOL MANAGEMENTS ASSOCIATION
REP. BY ITS PRESIDENT MR. C.WINCENT
A-2 NANDHA ENCLAVE NO.14 BAJANAI KOIL STREET
PUZHUTHIVAKKAM CHENNAI-91.
... PETITIONER in WP No.29254 of 2014
- 1 SACRED HEART GIRLS HIGH SCHOOL
REP. BY ITS CORRESPONDENT PRESENTATION
CONVENT CHURCH PARK CHENNAI-600 006
... PETITIONER in WP No.31194 of 2014

- 1 THE SALVATION ARMY HAVEN
MATRICULATION HIGHER SECONDARY SCHOOL
REP.BY ITS EDU. SECRETARY MAJOR T.CH. ABRAHAM
NO.21 THIRU NARAYANA GURU ROAD DOVETON
CHENNAI-600 112
... PETITIONER in WP No.30474 of 2014
- 1 DON BOSCO NURSERY AND PRIMARY SCHOOL
REP. BY ITS CORRESPONDENT
27 BROADWAY CHENNAI-108
... PETITIONER in WP No.24717 of 2014
- 1 MARIA MATRICULATION HR. SEC.SCHOOL
REP. BY ITS CORRESPONDENT NEW NO.24
WEST MADHA CHURCH ROAD ROYAPURAM CHENNAI-13
... PETITIONER in WP No.16892 of 2014
- 1 ST. URSULA ANGLO-INDIAN HR. SEC. SCHOOL
REP. BY ITS CORRESPONDENT
PRESENTATION CONVENT CHURCH PARK CHENNAI-6.
... PETITIONER in WP No.28115 of 2014
- 1 SRE SAKTHIMAYEIL INSTITUTE OF NURSING AND RESEARCH
REP. BY ITS CHAIRPERSON NH -47 SALEM MAIN ROAD
NATARAJAPURAM KOMARAPALAYAM 638 183
NAMAKKAL DISTRICT
... PETITIONER in WP No.6563 of 2014
- 1 J.K.K.NATARAJA DENTAL COLLEGE & HOSPITAL
REP. BY ITS SECRETARY P.B.NO.151
NATARAJAPURAM NH -47 KOMARAPALAYAM 638 183
NAMAKKAL DISTRICT
... PETITIONER in WP No.6564 of 2014
- 1 J.K.K.NATARAJA COLLEGE OF PHARMACY
REP. BY ITS CHAIRPERSON
NATARAJAPURAM NH -47 SALEM MAIN ROAD
KOMARAPALAYAM 638 183 NAMAKKAL DISTRICT
... PETITIONER in WP No.6565 of 2014
- 1 SRI VIDYA MANDIR ASSOCIATION
REP BY ITS SECRETARY K.N.LAKSHMANAN
SHIVAJI NAGAR SALEM 636 003
... PETITIONER in WP No.6734 of 2015

1 OUR LADY OF FATIMA NURSERY AND PRIMARY SCHOOL
REP. BY ITS CORRESPONDENT
REV.SR. ANASTHAS SIRIYAPUSHPAM
1252 BIG BAZAAR STREET COIMBATORE-641001.

... PETITIONER in WP No.8701 of 2015

.Vs.

1.THE STATE OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
LABOUR AND EMPLOYMENT DEPARTMENT
FORT ST.GEORGE CHENNAI 600 009.

... 1st RESPONDENT in WA No.918/13,222/13

2.EMPLOYEES STATE INSURANCE CORPORATIN
REP BY ITS REGIONAL DIRECTOR PANCHDEEP
STERLING ROAD NUNGAMBAKKAM
CHENNAI 600 034

... 2nd RESPONDENT in WA No.918/13,222/13

3.THE GOVERNMENT OF PONDICHERY
REP BY ADDITIONAL SECRETARY TO GOVT LABOUR
LABOUR DEPT GENERAL SECRETARIAT PUDUCHERRY

... 1st RESPONDENT in WA No.3/13 & 4/13 and
1st RESPONDENT IN WP.22240/13

4.THE EMPLOYEES STATE INSURANCE CORPN
REGIONAL OFFICE PUDUHCERRY
REP BY ITS REGIONAL DIRECTOR
BOUVANKARTE ST MUDALIARPET
PUDUCHERRY.

... 2ND RESPONDENT in WA No.3/13 & 4/13 and
2ND RESPONDENT IN WP.22240/13

5.THE GOVERNMENT OF PONDICHERY
REP BY ADDITIONAL SECRETARY TO GOVT LABOUR
LABOUR DEPT GENERAL SECRETARIAT PUDUCHERRY

... RESPONDENT in WA No.4 of 2013

6.THE EMPLOYEES STATE INSURANCE CORPN
REGIONAL OFFICE PUDUHCERRY
REP BY ITS REGIONAL DIRECTOR
BOUVANKARTE ST MUDALIARPET
PUDUCHERRY.

... R3 in WA No.4 of 2013

7.THE DEPUTY DIRECTOR
THE ESIC REGIONAL OFFICE PUDUCHERY
RETPD BY ITS REGIONAL DIRECTOR
BOUVANKARE ST MUDALIRPET PUDUCHERY

... R3 in WA No.4 of 2013

8.THE ASSISTANT DIRECTOR
AUTHRISED OFFICER ESI CORPORATION NO.178 100
FEET ROAD ANSARI DURASAMY NAGAR PUDUCHERY

... R4 in WA No.4 of 2013

9.THE GOVERNMENT OF TAMILNADU
REP BY ITS PRINCIPAL SECRETARY
LABOUR AND EMPLOYMENT DEPT.
FORT ST.GEORGE CHENNAI 9

... R1 in WP.27985/11,23986/12,19758/12,
23889/12,33133/12,29653/12,29654/12,
30613/13,18199/13,18200/13,20185/13,
26661/13,30185/13,27677/13,24371/13,
24612/13,31640/13,25883/14,11327/14,
11328/14,29254/14,31194/14,30474/14,
24717/14,16892/14,28115/14,6563/14,
6564/14,6565/14,6734/15 & 8701/15

10.SUB REGIONAL OFFICE
EMPLOYEES STATE INSURANCE CORPORATION
ESI CORPORATION 2ND WEST STREET
K.K. NAGAR MADURAI 625 020

... R2 IN WP.27895/11

11.THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS ADDITIONAL COMMISSIONER
AND REGIONAL DIRECTOR OFFICE
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI 34

... R2 IN WP.23986/12,19758/12,24612/13,33133/12

12.THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS DEPUTY DIRECTOR
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI 34

... R2 IN WP.30185/13,30474/14,24371/13

... R3 IN WP.23986/12,33133/12

13.THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS SOCIAL SECURITY OFFICER
INSPECTION OFFICE (MOOLAKADAI)
COOKS ROAD PERAMBUR CHENNAI 12

... R4 IN WP.23985/12

14.THE EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS ADDITIONAL COMMISSIONER
& REGIONAL DIRECTOR OF ESIC
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI-34.

... R3 IN WP.19758/12

15.THE EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS SOCIAL SECURITY OFFICER
ESI DISPENSARY COMPLEX 68
BASIN BRIDGE ROAD KONDITHOPE CHENNAI-21.

... R4 IN WP.19758/12

16.EMPLOYEES STATE INSURANCE CORPORATION (T.N)
REP. BY ITS REGIONAL DIRECTOR PANCHDEEP
STERLING ROAD NUNGAMBAKKAM
CHENNAI-34.

... R2 IN WP.23889/12,29633/12,29654/12,
30613/13,18199/13,18200/13,20185/13,
27677/13,31640/13,25883/14,11327/14,
29254/14,24717/14,16892/14,28115/14 & 6734/15

17.E.S.I. REGIONAL CORPORATION (TAMIL NADU)
REP. BY ITS REGIONAL DIRECTOR
143 STERLING ROAD CHENNAI-34.

... R2 IN WP.29633/12,29653/12,29654/12,
18200/13,31640/13,24717/14,28115/14,
30613/13,18199/13,27677/13,20185/13,
11327/14,11328/14,16892/14,6734/15,8701/15

18.E.S.I. REGIONAL CORPORATION/OFFICE
REP. BY ITS ASSISTANT/DEPUTY DIRECTOR
143 STERLING ROAD CHENNAI-34.

... R3 IN 29633/12,29653/12,29654/12,
24717/14,18200/13,31640/13,11327/14,
11328/14,16892/14,28115/14

19.THE MANAGER
BRANCH OFFICE ESI CORPORATION
NO.38 KUMMALLAMMAN KOIL STREET
TONDIARPET CHENNAI.

... R4 IN WP.29633/12,29653/12,
29654/12,16892/14

20.G.S.BALAJI TGT
KOLA PERUMAL SENIOR SECONDARY SCHOOL
ARUMBAKKAM CHENNAI 106

... R3 IN WP.30613/13

21.CHITRA RAMESH PGT
MAHARISHI VIDYA MANDIR SENIOR
SECONDARY SCHOOL
NO.28 DR.GURUSAMY ROAD CHENNAI 31

... R4 IN WP.30613/13

22.E.S.I. - SUB-REGIONAL OFFICE
REPRESENTED BY ITS DEPUTY DIRECTOR 1897
TRICHY ROAD PANCHDEEP COMPLEX
RAMANATHAPURAM COIMBATORE-641 045

... R3 IN WP.18199/13,20185/13,
8701/15

23.THE MANAGER
BRANCH OFFICE ESI CORPORATION
RAMANATHAPURAM PANCHDEEP BHAVAN
NEAR ESI DISPENSARY TRICHY ROAD SINGANAILLUR
COIMBATORE-641 005.

... R4 IN WP.18199/13

24.EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS DEPUTY DIRECTOR
SUB REGIONAL OFFICE (SALEM)
39/57 THREE ROAD SALEM-636 009.

... R2 IN WP.26661/13,6563/14,
6564/14,6565/14

25.ESI- SUB REGIONAL CORPORATION (TAMILNADU)
REP.BY ITS REGIONAL DIRECTOR
143 STERLING ROAD CHENNAI-34

... R3 IN WP.27977/13

26. THE RECOVERY OFFICER
OFFICE OF THE RECOVERY OFFICER
ESI CORPORATION PANCHDEEP BHAVAN
143 STERLING ROAD NUNGAMBAKKAM CHENNAI-34
... R4 IN WP.27677/13
... R3 IN WP.30474/14
27. THE SOCIAL SECURITY OFFICER
ESI CORPORATION
143 STERLING ROAD CHENNAI-34
... R4 IN WP.31640/13,31194/14,24717/14
28. THE MANAGER
ESI BRANCH OFFICE NO.17A MUTHAIYAL STREET
NEAR CHINNAMALAI (AGS) CHURCH LITTLE MOUNT
SAIDAPET CHENNAI-15
... R5 IN WP.31640/13
29. EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS REGIONAL DIRECTOR
PANCHDEEP STERLING ROAD NUNGAMBAKKAM
CHENNAI-34.
... R2 IN WP.25883/14,29254/14,6734/15
30. THE MANAGER
BRANCH OFFICE ESIC BUILDING
ESI DISPENSARY COMPLEX
G.N.T. ROAD POZHAL CHENNAI
... R4 IN WP.11327/14,11328/14
31. THE REGIONAL DIRECTOR
REGIONAL CORPORATION (TAMILNADU)
143 STERLING ROAD CHENNAI-34
... R2 IN WP.31194/14,8701/15
32. THE DEPUTY DIRECTOR
REGIONAL CORPORATION PANCHDEEP BHAVAN
143 STERLING ROAD CHENNAI-34
... R3 IN WP.31194/14
33. THE MANAGER
BRANCH OFFICE ESI DISPENSARY COMPLEX
55 BASIN BRIDGE CHENNAI
... R5 IN WP.24717/14

34.EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS BRANCH MANAGER
BRANCH OFFICE PALLIPALAYAM GOVT. OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
SPB COLONY ERODE-10

... R3 IN WP.6563 TO 6565/14

These Writ Appeals 918/13, 3/13, 4/13 & 222/13 filed under Clause 15 of the Letters patent against the Order dated in WP.4570/11, dated 14.03.11, WP.2471/07, Order dated 04.01.11, WP.24691/10 order dated 04.01.11 and WP.30999/12 order dated 22.11.12 respectively.

WP.Nos.4570/11, 2471/07, 24691/10 & 30999/12 :

These Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari

a) Calling for the records in respect of the impugned Notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dt.26.11.2010 as published in the Tamil Nadu Govt. Gazette No.51, dt.29.12.2010 in Part-II Section-II and quash the same.(WP.4570/11)

b) Calling for the records relating to Order No.6563/Lab/K/2004 dated 24.06.2005 passed by the 1st respondent, order No.55-42257-E1/1118 dt.23.06.2006 and PY/D5/INS/55-42257-E1/522 dated 29.12.2005 passed by the 2nd respondent quash the same.(WP.2471/07)

c) Calling for the records relating to Order No.6563/Lab/K/2004 dt 24.6.2005 passed by the 1st respondent and proceeding No. 55-00-042259-000-1302/C-18 (Adhoc)/ 2996 dt 11.8.2010 passed by the 4th respondent and quash the same.(WP.24691/10)

d) Calling for the records in respect of the impugned Notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dt 26.11.2010 as published in the Tamilnadu Government Gazette No.51, dt 29.12.2010 in part II Section II and quash the same.(WP.30999/12)

WP No.27895 of 2011

Calling for the records relating to the G.O.Ms.No.237, Labour and Employment (K1) dt 26th November 2010 and published at page 879 of Part II, Section 2 of the Tamilnadu Government Gazette No.51 dt 29.12.2010 and the letter of the 2nd respondent dt 16.8.2011 and quash the same.

WP No.23986 of 2012

calling for the records of the respondents relating to the G.O.M.No.237, Labour and Employment (K1) on 26th November 2010 published vide Tamilnadu Government Gazette in Part II Section 2 dt 29.12.2010 and Government vide Labour and Employment Department Notification No. II (2)LE/265/2008 published at page 206 of part II Section 2 of the Tamilnadu Government Gazette, dt 4th June, 2008, extending Employees State Insurance Scheme to Private Educational Institutions in all the implemented area under Employees State Insurance Act by the 1st respondent and consequent impugned letters vide No. Survey dt 31.1.2011 of the 4th respondent informing the petitioner that the petitioner College was inspected under 45 of the ESI Act herein after referred to in a short as ESI Act and attendant proceedings vide No.51/P/11/19/2011/Inspn/Edu/First Coverage (S.No.22), dated 15.02.2012 of the 2nd Respondent and attendant proceedings 51.P/11/18/2012/ Inspn/Coverage/Edn/Vol.1(S.No.52) dated 07.08.2012 and letter dated 08.08.2012 of the 4th respondent in so far as they relate to the petitioner institution.

WP No.19758 of 2012

Calling for the records of the Respondents relating to the Impugned Notification extending Employees State Insurance Scheme to Private Educational Institutions in all the implemented area under Employees State Insurance Act by G.O.Ms.No.237, Labour and Employment (K1) Department on 26th November 2010 published vide Tamilnadu Government Gazette in Part-II Section 2 dated 29.12.2010 and consequential Impugned letter of the 4th Respondent dated 31.1.2011 vide No. TN/ESIC/GT/ 51/Survey/PM/SSO informing the petitioner that the petitioner college was inspected under Section 45 of the Employees State Insurance Act, hereinafter referred to in short as the ESI Act based on notification and allocation of Code No.51001013000001303 on 20.09.11 with show Cause notice vide Letter No.Ins VIII/51001013000001303/4282012247-501 dated 12.06.12 for alleged failure to make contribution for period April 2011 to December 2011 with Summons to appear before the 3rd Respondent on 10.07.12 served on the President of the Petitioner College and quash the same.

WP No.23889 of 2012

Calling for the records in respect of the impugned notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010, as published in the Tamil Nadu Govt. Gazette No.51, dated 29.12.2010 in Part-II Section-II and quash the same

WP No.33133 of 2012

calling for the records of the respondents relating to the Notification extending Employees State Insurance Scheme to Private Educational Institutions in all the implemented area under Employees State Insurance Act by G.O.M.No.237, Labour and Employment (K1) on 26th November 2010 published vide Tamilnadu Government Gazette in Part II Section 2 dated 29.12.2010 and Government vide Labour and Employment Department Notification No.II (2) LE/265/ 2008 published at Page 206 of Part II Section 2 of the Tamilnadu Government Gazette, dated 4th June, 2008 and consequent Impugned letters dated 15.2.2012 vide No. 51/P/11/18/2011/Inspn/ Edu. Inst. Coverage (S.No.63) of the 2nd respondent and 1.8.2012 vide 51P/11/18/2012/ Inspn/Coverage/Edn/Vol.II (S.No.47) of the 3rd Respondent.

WP No.29653 of 2012

Calling for the records pertaining to the impugned G.O.Ms.No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by the 1st respondent and the consequential proceedings of the 3rd respondent dated 28.2.2011 and 24.4.2012 in Code No.51-00-092367-000-1301 and quash the same in respect of the petitioner school.

WP No.29654 of 2012

Calling for the records pertaining to the impugned G.O.Ms.No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by the 1st respondent and the consequential proceedings of the 3rd respondent dated 11.1.2012 in Code No.51001018180001302 and quash the same in respect of the petitioner school.

WP No.30613 of 2013

calling for the records culminating in impugned Proceedings of G.O.Ms.No.237 Labour and Employment Department [K1] 26/10/2010 and published at page 879 of part II Section 2 of Tamilnadu Gazette No.51 dated 29.12.2010 for extension of the provisions of the Act to the Educational Institutions run by individuals, trustees, societies or other organizations, wherein twenty or more persons are employed or were employed on any day of the proceeding twelve months, with effect from date of publication of the Notification and quash the same.

WP No.22240 of 2013

Calling for the records relating to the impugned notification of the 1st Respondent in 6563/Lab/K/2004 dt. 24/06/2005, quash the same as far as it relates to the petitioner administered institutions are concerned.

WP No.18199 of 2013

Calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 4.6.2013 in Code No.56001107710001302/ 3152013438 and quash the same in respect of the petitioner school.

WP No.18200 of 2013

Calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by 1st respondent and the consequential order of the 3rd respondent dated 6.6.2013 in Code No.TN/ Ins.VIII/ 51-00- 092422-000-1302/C18 Adhoc-174/12 and quash the same in respect of the petitioner school.

WP No.20185 of 2013

Calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 21.5.2013 in Code No. 56001111330001302/ 31920131057 and quash the same in respect of the petitioner school.

WP No.26661 of 2013

Calling for the records of the respondents relating to the order of the 1st respondent in G.O.Ms. No.237, Labour and Employment (K1) Department dated 26.11.2010 and published at Page 879 of Part II Section 2 of the Tamil Nadu Government Gazette No.51 dated 29.12.2010 and the orders of the 2nd respondent in No.63000931640001302/ C-18 (Adhoc)/ 248/2013 dated 19.8.2013 and No.63000931640001302/ C-18 (Adhoc)/ 229/2012 and No.63000931640001302/ C-18 (Adhoc)/ 230/2012 dated 31.10.2012 and quash the same.

WP No.30185 of 2013

calling for the records of the respondents relating to the order of the 1st respondent in G.O.Ms. No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of part II Section 2 of the Tamilnadu Government Gazette No.51, dated 29.12.2010 and the orders of the 2nd respondent in user I.D. 51001073180001304 dated 17.10.2013 and quash the same.

WP No.27677 of 2013

calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent vide his proceedings dated 5.6.2013 in TN/INS. VIII/ 51-00-102578-000-1302 C-

18 Adhoc 561/13 and quash the same in respect of the petitioner school.

WP No.24371 of 2013

calling for the records of the respondents relating to the order of the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of part II section 2 of the Tamilnadu Government Gazette No.51 dated 29.12.2010 and the orders of the 2nd respondent user I.D.51001064140001304 dated 31.7.2013 and quash the same.

WP No.24612 of 2013

calling for the records relating to G.O.Ms. No. 237 Labour and Employment (K1) dt 26.11.2010 passed by the 1st respondent, quash the same.

WP No.31640 of 2013

calling for the records pertaining to the impugned G.O.(MS) No.237, Labour and Employment (K1) Department dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 22.10.2013 in 51001073680001301 and quash the same in respect of the petitioner school.

WP No.25883 of 2014

Calling for the records in respect of the impugned notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010, as published in the Tamil Nadu Govt. Gazette No.51, dated 29.12.2010 in Part-II Section-II and quash the same.

WP No.11327 of 2014

calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 21.3.2014 in Code No.51001088070001302 and quash the same in respect of the petitioner school.

WP No.11328 of 2014

calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 1.10.2013 in Code No.51001071820001302 and quash the same in respect of the petitioner school.

WP No.29254 of 2014

Calling for the records in respect of the impugned notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010, as published in the Tamil Nadu Govt. Gazette No.51, dated 29.12.2010 in Part-II Section-II and quash the same.

WP No.31194 of 2014

calling for the records pertaining to the impugned G.O.(MS) No.237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 22.7.2014 in NO.TN/ D-5/Ins. VIII/ 51-00- 107373- 000-1302 and quash the same in respect of the petitioner school.

WP No.30474 of 2014

calling for the records relating to G.O.Ms.No.237- Labour and Employment (K1) dated 26.11.2010 published in the Tamilnadu Government Gazette NO.51 on 29.12.2010 by the 1st respondent and the order of the 2nd respondent dated 26.9.2013 made under Section-45A of the Employees State Insurance Act under reference TN/ INS. VIII/ 51-00- 101249-000-1302/ C18 ad-hoc- 2282-12, quash the same.

WP No.24717 of 2014

calling for the records pertaining to the impugned proceedings of the 3rd respondent dated 23.7.2014 in TN/INS VIII/ 51-00-107210-000-1301, C-18 Adhoc and quash the same in respect of the petitioner school.

WP No.16892 of 2014

calling for the records pertaining to the impugned G.O.(MS) No.237, Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 21.4.2014 in Code No.51001090920001302 and quash the same in respect of the petitioner School.

WP No.28115 of 2014

Calling for the records pertaining to the impugned G.O.(Ms) No.237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential proceedings of the 3rd respondent dated 22.07.2014 in No. TN/INS/VIII/ 51-00-107337-000-1302 and quash the same in respect of the petitioner school.

WP No.6563 of 2014

calling for the records of the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of part II Section 2 of the Tamilnadu Government Gazette NO.51 dated

29.12.2010 and the consequential order of the 2nd respondent in No.C 11 dated 25.6.2013 and the consequential order of the 3rd respondent in No.6300094174000135 dated 24.7.2013 and quash the same.

WP No.6564 of 2014
calling for the records of the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of part II Section 2 of the Tamilnadu Government Gazette NO.51 dated 29.12.2010 and the consequential order of the 2nd respondent in No.C 11 dated 25.6.2013 and the consequential order of the 3rd respondent in No.63000941690001305 dated 24.7.2013 and quash the same.

WP No.6565 of 2014
calling for the records of the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of part II Section 2 of the Tamilnadu Government Gazette NO.51 dated 29.12.2010 and the consequential order of the 2nd respondent in No.C 11 dated 25.6.2013 and the consequential order of the 3rd respondent in No.63000941730001305 dated 24.7.2013 and quash the same.

WP No.6734 of 2015
call for the records relating to the impugned notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010 as published in the Tamilnadu Government Gazette dated 29.12.2010 in Part II Section II and quash the same as unsustainable, arbitrary, violative of Art. 14 of the Constitution of India, violative of principles of natural justice.

WP No.8701 of 2015
Calling for the records pertaining to the impugned G.O.(MS) No.237 Labour and Employment (K1) Department dated 26.11.2010 and the consequential proceedings of the 3rd respondent in Code No. 56001110990001301/ 3182013450 dated 12.04.2013 and quash the same in so far as they relate to the Petitioner School.

For Appellant/Petitioner : Mr. R. Suresh Kumar in
WA.No.918/2013,
WP.Nos.23889/2012 & 29254/2014.

Mr.P.V.S.Giridhar in WA.Nos.3 & 4/2013
Mr. M. Venkadeshnan in WA.No.222/2013
Mr. J. Pothiraj in W.P.No.25883/2014
Mr. S. Namasivayan in WP.30613/2013
Mr. B. Rabu Manohar in WP.22240/2013

Mr.S.Puran Khemka in WP.Nos.23986,
19758 & 33133 of 2012

Dr.FR.A.Xavier Arulraj in W.P.Nos.
11327 & 11328, 31194, 24717, 16892 &
28115 of 2014; 18199, 18200, 20185,
27677, 31640 of 2013; & 8701 of 2015

Ms.S.Hemalatha in W.P.No.27895/2015

Mr.K.Jayachandran in WP.6734/2015
Mr.V.G.SureshKumar in WP.30474/2014

Mr.R.Natarajan in W.P.Nos.26661,
30185 & 24371 of 2013

Mr.C.R.Prasannan in WP.24612/2013
Mr.G.Sankaran in W.P.No.29653/2012
Mr.A.Jenasenan in WP.Nos.6563
to 6565 of 2014.

For Respondents

: Mr. S.T.S.Murthi
Government Pleader, assisted by
V.R. Kamalanathan
Addl. Govt. Pleader for R1 in all cases
Ms.S.Jayakumari for R2 in all cases
Mr.R.Sridhar
Govt. Advocate (Puducherry)
Mr.T.N.C.Kaushik

COMMON JUDGMENT

(Delivered by The Hon'ble The Chief Justice)

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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ATR

To

1. THE GOVERNMENT OF TAMILNADU
REP BY ITS PRINCIPAL SECRETARY
LABOUR AND EMPLOYMENT DEPT.
FORT ST.GEORGE CHENNAI 9
2. SUB REGIONAL OFFICE
EMPLOYEES STATE INSURANCE CORPORATION
ESI CORPORATION 2ND WEST STREET
K.K. NAGAR MADURAI 625 020
3. THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS ADDITIONAL COMMISSIONER
AND REGIONAL DIRECTOR OFFICE
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI 34
4. THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS DEPUTY DIRECTOR
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI 34
5. THE EMPLOYEES STATE INSURANCE CORPORATION
REP BY ITS SOCIAL SECURITY OFFICER
INSPECTION OFFICE (MOOLAKADAI)
COOKS ROAD PERAMBUR
CHENNAI 12

6. THE EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS ADDITIONAL COMMISSIONER
& REGIONAL DIRECTOR OF ESIC
NO.143 STERLING ROAD
NUNGAMBAKKAM CHENNAI-34.
7. THE EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS SOCIAL SECURITY OFFICER
ESI DISPENSARY COMPLEX 68
BASIN BRIDGE ROAD KONDITHOPE CHENNAI-21.
8. EMPLOYEES STATE INSURANCE CORPORATION (T.N)
REP. BY ITS REGIONAL DIRECTOR PANCHDEEP
STERLING ROAD NUNGAMBAKKAM
CHENNAI-34.
9. E.S.I. REGIONAL CORPORATION (TAMIL NADU)
REP. BY ITS REGIONAL DIRECTOR
143 STERLING ROAD CHENNAI-34.
10. E.S.I. REGIONAL CORPORATION/OFFICE
REP. BY ITS ASSISTANT/DEPUTY DIRECTOR
143 STERLING ROAD CHENNAI-34.
11. THE MANAGER
BRANCH OFFICE ESI CORPORATION
NO.38 KUMMALLAMMAN KOIL STREET
TONDIARPET CHENNAI.
12. G.S.BALAJI TGT
KOLA PERUMAL SENIOR SECONDARY SCHOOL
ARUMBAKKAM CHENNAI 106
13. CHITRA RAMESH PGT
MAHARISHI VIDYA MANDIR SENIOR
SECONDARY SCHOOL
NO.28 DR.GURUSAMY ROAD CHENNAI 31
14. E.S.I. - SUB-REGIONAL OFFICE
REPRESENTED BY ITS DEPUTY DIRECTOR 1897
TRICHY ROAD PANCHDEEP COMPLEX
RAMANATHAPURAM COIMBATORE-641 045

15. THE MANAGER
BRANCH OFFICE ESI CORPORATION
RAMANATHAPURAM PANCHDEEP BHAVAN
NEAR ESI DISPENSARY TRICHY ROAD SINGANAILLUR
COIMBATORE-641 005.
16. EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS DEPUTY DIRECTOR
SUB REGIONAL OFFICE (SALEM)
39/57 THREE ROAD SALEM-636 009.
17. ESI- SUB REGIONAL CORPORATION (TAMILNADU)
REP. BY ITS REGIONAL DIRECTOR
143 STERLING ROAD CHENNAI-34
18. THE RECOVERY OFFICER
OFFICE OF THE RECOVERY OFFICER
ESI CORPORATION PANCHDEEP BHAVAN
143 STERLING ROAD NUNGAMBAKKAM CHENNAI-34
19. THE SOCIAL SECURITY OFFICER
ESI CORPORATION
143 STERLING ROAD CHENNAI-34
20. THE MANAGER
ESI BRANCH OFFICE NO.17A MUTHAIYAL STREET
NEAR CHINNAMALAI (AGS) CHURCH LITTLE MOUNT
SAIDAPET CHENNAI-15
21. EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS REGIONAL DIRECTOR
PANCHDEEP STERLING ROAD NUNGAMBAKKAM
CHENNAI-34.
22. THE MANAGER
BRANCH OFFICE ESIC BUILDING
ESI DISPENSARY COMPLEX
G.N.T. ROAD POZHAI CHENNAI
23. THE REGIONAL DIRECTOR
REGIONAL CORPORATION (TAMILNADU)
143 STERLING ROAD CHENNAI-34

24.THE DEPUTY DIRECTOR
REGIONAL CORPORATION PANCHDEEP BHAWAN
143 STERLING ROAD CHENNAI-34

25.THE MANAGER
BRANCH OFFICE ESI DISPENSARY COMPLEX
55 BASIN BRIDGE CHENNAI

26.EMPLOYEES STATE INSURANCE CORPORATION
REP. BY ITS BRANCH MANAGER
BRANCH OFFICE PALLIPALAYAM GOVT. OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
SPB COLONY ERODE-10

27.THE ADDITIONAL SECRETARY TO GOVT LABOUR
LABOUR DEPT GENERAL SECRETARIAT
PUDUCHERRY

28.THE REGIONAL DIRECTOR
EMPLOYEES STATE INSURANCE CORPN
REGIONAL OFFICE PUDUCHERRY
BOUVANKARTE ST MUDALIARPET
PUDUCHERRY.

+3cc's to Mr.R.Suresh Kumar, Advocate, S.R.No.29309 to 29311
+2cc's to Mr.G.Sankaran, Advocate, S.R.No.29913
+1cc to Mr.M.Venkadeshnan, Advocate, S.R.No.29455
+13cc's to Dr.FR.A.Xavier Arulraj, Advocate, S.R.No.29367
+3cc's to Mr.R.Natarajan, Advocate, S.R.No.29400
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.29319
+1cc to Mr.S.Namasivayan, Advocate, S.R.No.29317
+1cc to Mr.V.G.Suresh Kumar, Advocate, S.R.No.29307
+1cc to Mr.T.N.C.Kaushik, Advocate, S.R.No.29937
+1cc to the Government Pleader, S.R.No.29382
+2cc's to the Senior Government Pleader(Puducherry),
S.R.No.29467 & 29468

WEB COPY

W.A. Nos.918 of 2013 and etc. batch

RJ(CO)
CA(16/09/2015)