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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.16080 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

M/s.Peace Trust
Near Police Housing Colony,
Trichy Road, Dindigul
Rep.by its Chairman

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

2.The Employees State Insurance Corporation,
Regional Office (Tamil Nadu)
Rep. by its Regional Director,
143, Sterling Road, Chennai 600 034.

3.The Employees State Insurance Corporation,
Sub-Regional Office,
Rep. by its Deputy Director,
2nd West Street, K.K.Nagar
Madurai - 625 020

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent herein in G.O(Ms)No.237, Labour and Employment (K1) Department, dated 26.11.2010 and consequential notice issued by the 3rd respondent in his notice No.5700071430001302/ 5182015321 / 263 / 15, dated 18.05.2015 and quash the same.

For Petitioner

: Ms.K.Hemakarthiskeyan

For Respondent-1

: Mr.R.Anandharaj
Govt.Advocate



For Respondents : Mr.K.C.Ramalingam
(R2 and R3)

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O R D E R

This writ petition has been filed, calling for the records of the 1st respondent herein in G.O(Ms)No.237, Labour and Employment (K1) Department, dated 26.11.2010 and consequential notice issued by the 3rd respondent in his notice No.5700071430001302/ 5182015321 / 263 / 15, dated 18.05.2015 and quash the same.

2. When these matters are taken up for hearing, the learned counsel appearing for the petitioner would submit that a Division Bench of this Court in W.A.No.1233 of 2011 & etc., batch, dated 09.06.2015, has passed the following judgment:

"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 matter.

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."

3. Since the issue involved in the present case is covered by the decision mentioned supra, this writ petition is disposed of in terms of the above judgment. Once the issue is decided, the principle laid down therein is automatically to be applied to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/



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Labour and Employment Department,
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2. The Regional Director
The Employees State Insurance Corporation,
Regional Office (Tamil Nadu)
143, Sterling Road, Chennai 600 034.
3. The Deputy Director,
The Employees State Insurance Corporation,
Sub-Regional Office,
2nd West Street, K.K.Nagar
Madurai - 625 020

+One cc to Mr.K.C.Ramalingam, Advocate, SR.No.51717
+One cc to Mr.K.Hemakarthikeyan, Advocate, SR.no.52043
+One cc to The Special Government Pleader, SR.No.52098

mpk
RL/7c - 29/9/2015

W.P (MD) No.16080 of 2015

04.09.2015