



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.16334 of 2015

and

M.P (MD) Nos.1 to 3 of 2015

Ariyava Montessori Matriculation
Higher Secondary School,
Madappuram,
Tirupuvanam - Sivagangai Main Road,
Sivagangai District,
Rep. By its Secretary.

.. Petitioner

Vs.

1. The 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 Recovery Officer,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

..Respondents

Prayer :- Writ 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.5700072280001302//CP/149822/410/15 dated 11.06.2015 and quash the same.

For Petitioner : Mr.K.Muraleedharan
For R - 1 : Mr.S.Sathish Kumar
Additional Government Pleader
For RR 2 & 3 : Mr.K.C.Ramalingam



ORDER

The Writ Petition has been filed calling for the records of the first respondent herein in G.O.(Ms)No.237, Labour and Employment (K1) Department, dated 26.11.2010 and consequential notice issued by the third respondent in his notice No.5700072280001302//CP/149822/410/15 dated 11.06.2015 and quash the same.

2. When this matter is taken up for hearing, the learned counsel for the petitioner would submit that a Division Bench of the Principal Bench of this Court in W.A.No.1233 of 2011 & 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, ie., 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, the Writ Petition is disposed of in terms of the above Judgment. Once the issue is decided, the principle laid down therein shall automatically apply to the petitioner. Subsequently, the prohibitory order is also directed to be kept in abeyance. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar



To

1. The Principal Secretary,
The State of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
2. The Regional Director,
The Employees State Insurance Corporation,
Regional Office (Tamil Nadu),
143, Sterling Road,
Chennai - 600 034.
3. The Recovery Officer,
The Employees State Insurance Corporation,
Sub-Regional Office,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

+ 1 CC TO MR.K.MURALEEDHARAN, ADVOCATE IN SR NO. 54249
+ 1 CC TO MR.K.C.RAMALINGAM, ADVOCATE IN SR NO. 53661
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 54007

PS

TE/AAL-MPA/ 05/10/2015 3P/7C

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