



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S.MANIKUMAR

and

THE HONOURABLE Mr. JUSTICE G.CHOCKALINGAM

W.P. (MD) Nos.3906, 3969, 3970, 3971 of 2013, 21236 of 2014 and 4572 of 2015

and

M.P. (MD) Nos.2 of 2013, 2,2&2 of 2013, 1&2 of 2014, 1 & 2 of 2015

M/S. MAGDALENE MATRIC SCHOOL,
REP. BY ITS CORRESPONDENT G. SELVARAJ,
S/O.S. GABARIEL, PLOT NO.7, 14TH STREET,
RAGHUMAT NAGAR, TIRUNELVELI DISTRICT.

... PETITIONER in WP(MD) No.3906 of 2013

M/S. RATHINAVEL SUBRAMANIAN
EDUCATIONAL TRUST'S GROUP OF INSTITUTION AND
RVS COLLEGE OF EDUCATION, REP. BY ITS
CHAIRMAN MR.K.V. KUPPUSWAMY, RVS NAGAR,
DINDIGUL.

... PETITIONER in WP(MD) No.3969 of 2013

M/S. RATHINAVEL SUBRAMANIAN,
COLLEGE OF ENGINEERING AND TECHNOLOGY
REP. BY ITS CHAIRMAN MR.K.V. KUPPUSWAMY,
RVS NAGAR, DINDIGUL. ... Petitioner in WP(MD). 3970/ 2013

M/S. RATHINAVEL SUBRAMANIAN,
POLYTECHNIC COLLEGE,
REP. BY ITS CHAIRMAN MR.K.V. KUPPUSWAMY,
RVS NAGAR, DINDIGUL. ... Petitioner in WP(MD). 3971/ 2013

VIDHYA PARTHI HIGHER SECONDARY SCHOOL,
SEELAPADI, DINDIGUL - 624005
REP BY ITS CORRESPONDENT R.KRISHNAMOORTHY,

... PETITIONER in WP(MD) No.21236 of 2014

ARTESIA SCHOOL
NEAR ST. ANTONY'S CHURCH,
KAPPUKAD AND POST,
KANYAKUMARI DIST.
REPD. BY ITS CORRESPONDENT

... PETITIONER in WP(MD) No.4572 of 2015



-VS-

WEB COPY

1 THE PRINCIPAL SECRETARY
GOVT. OF TAMIL NADU LABOUR AND EMPLOYMENT
DEPT., FORT ST. GEORGE CHENNAI.

2 THE JOINT DIRECTOR
ESI CORPORATION, SUB REGIONAL OFFICE,
TIRUNELVELI.

3 BRANCH MANAGER
ESI CORPORATION OFFICE, TIRUNELVELI DIST.

... RESPONDENTS in WP(MD) No.3906 of 2013

1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
LABOUR AND EMPLOYMENT DEPT., FORT ST. GEORGE, CHENNAI.

2 ESI CORPORATION, REP. BY
ITS DEPUTY DIRECTOR, SUB REGIONAL OFFICE
(MADURAI), 2ND WEST STREET, K.K. NAGAR
MADURAI - 20.

3 THE INSPECTOR
ESI CORPORATION, DINDIGUL DIVISION,
DINDIGUL.

... RESPONDENTS in WP(MD) Nos.3969,3970,3971 of 2013

1 THE STATE OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
LABOUR AND EMPLOYMENT DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE, CHENNAI - 600009

2 THE E.S.I REGIONAL CORPORATION,
REP BY ITS REGIONAL DIRECTOR, 143,
STERLING ROAD, CHENNAI - 600 034

3 THE E.S.I SUB REGISTRAR OFFICE
REP BY ITS DEPUTY DIRECTOR, 2ND WEST STREET,
K.K. NAGAR, MADURAI - 625 020

... RESPONDENTS in WP(MD) No.21236 of 2014



1 THE STATE OF TAMIL NADU
REPD. BY THE PRINCIPAL SECRETARY,
LABOUR AND EMPLOYMENT DEPT., SECRETARIAT, CHENNAI 9

2 EMPLOYEES STATE INSURANCE
CORPORATION, REPD. BY THE ADDITIONAL
COMMISSIONER AND REGIONAL DIRECTOR, 143,
STERLING ROAD, NUNGAMBAKKAM, CHENNAI 34

3 THE JOINT DIRECTOR,
SUB REGIONAL OFFICE, ESI CORPORATION,
MUNICIPAL SHOPPING COMPLEX, SALAI ROAD
SINDHUPOONDHURAI, TIRUNELVELI 627 001

4 THE DEPUTY DIRECTOR,
ESIC, PANCHDEEP BHAVAN, ESIC COMPLEX,
SALAI STREET, VANNARAPETTAI, TIRUNELVELI 627 003
... RESPONDENTS in WP(MD) No.4572 of 2015

Prayer in WP(MD). 3906/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for impugned G.O. bearing Ms.No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by the 1st respondent and consequential proceedings issued by the 2nd respondent dated 14.08.2012 under reference 66/00/0400/30/000/1301/C-18(Adhoc) INS/SRO/TL) 397/12 and in pursuance of teh impugned G.O. to the petitioner s school and quash the same.

Prayer in WP(MD). 3969/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, by calling for the records, pertaining to the Impugned Government order in G.O. Ms.No.237 dated 26.11.2010 passed by the 1st respondent and the consequential order passed by the 2nd respondent dated 17.06.2011 in reference No.57-00-071348-000-1303 and quash the same in so far the petitioner institution is concerned.

Prayer in WP(MD). 3970/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, by calling for the records, pertaining to the Impugned Government order in G.O. Ms.No.237 dated 26.11.2010 passed by the 1st respondent and the consequential order passed by the 2nd respondent dated 17.06.2011 in reference No.57-00-071347-000-1304 and quash the same in so far the petitioner institution is concerned.



Prayer in WP(MD). 3971/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, by calling for the records, pertaining to the Impugned Government order in G.O. Ms.No.237 dated 26.11.2010 passed by the 1st respondent and the consequential order passed by the 2nd respondent dated 16.06.2011 in reference No.57-00-071346-000-1304 and quash the same in so far the petitioner institution is concerned.

Prayer in WP(MD). 21236/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari or any other appropriate writ order or direction in the nature of the Writ 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 in No. 57000712660001302/9172014231/968/14 dated 17.09.2014 and the further proceedings issued by the 3rd respondent No.5700 712660001302/Ins.I/SRO/MDU dated 11.11.2014 and quash the same.

Prayer in WP(MD). 4572/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in G.O. Ms. NO. 237, Labour and Employment (K1) Department dated 26.11.2010 and consequential proceedings of the 4th respondent dated 17.12.2014 in 1st proceedings No. 66000406390001302/121720141216, 2nd proceedings No.66000406390001302/121720141222, 3rd proceedings No.6000406390001302/121720141045 and 4th proceedings No.66000406390001302/121720141103 and pass such further or other orders.

For Petitioner:

M/S. S. PALANIVELAYUTHAM ...in WP(MD) No.3906 of 2013

M/S.T. CIBI CHAKRABORTHY ... in WP(MD) No.3969,3970,3971 of 2013

M/S.G.SANKARAN ... in WP(MD) No.21236 of 2014

M/S.N.DILIP KUMAR ... in WP(MD) No.4572 of 2015



For Respondents:

M/S P.GANAPATHYSAMY

... FOR R2 AND R3 in WP(MD).Nos.3969,
3970,3971/2013
... FOR R2 to R4 in WP(MD).No.4572/2015

MR.R.ANANDARAJ

...FOR R1 in WP(MD).No.21236/2014

COMMON ORDER

(Order of this Court was made by S.MANIKUMAR,J.)

On 11.06.2015 vide order in W.A.(MD)No.2763 of 2012 etc., batch the Hon'ble Division Bench of this Court passed the following orders:

"In connected matters, W.A.No.1233 of 2011 etc., batch, dated 09.06.2015, the Principal Seat has passed the following order:-

"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, 1984, would apply to educational institutions. Interim orders have been operating in the present matter.

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.'"

2.The present writ petitions are also disposed of in terms of the above said order. No costs. Consequently, connected miscellaneous petitions are closed."

2.The present writ petitions are also disposed of in terms of the above said order. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. THE PRINCIPAL SECRETARY,
GOVERNMENT OF TAMIL NADU,
LABOUR AND EMPLOYMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI.

2. THE JOINT DIRECTOR,
ESI CORPORATION,
SUB REGIONAL OFFICE,
TIRUNELVELI - 1.

3. THE BRANCH MANAGER,
ESI CORPORATION OFFICE,
TIRUNELVELI DISTRICT.

4. THE DEPUTY DIRECTOR
SUB REGIONAL OFFICE (MADURAI),
2ND WEST STREET, K.K. NAGAR, MADURAI-20

5. THE INSPECTOR
ESI CORPORATION,
DINDIGUL DIVISION, DINDIGUL

6. THE REGIONAL DIRECTOR
THE ESI REGIONAL CORPORATION,
143, STERLING ROAD, CHENNAI-600034

7. THE ADDITIONAL COMMISSIONER AND REGIONAL DIRECTOR,
EMPLOYEES STATE INSURANCE CORPORATION,
143, STERLING ROAD, NUNGAMBAKKAM, CHENNAI-600034

8. THE DEPUTY DIRECTOR
ESIC, PANCHDEEP BHAVAN,
ESIC COMPLEX, SALAI STREET,
VANNARAPETTAI, TIRUNELVELI

+1cc to MR.N.Dilip kumar, Advocate Sr.No.33003
+1cc to Mr.P.Ganapathysamy, Advocate Sr.No.32443
+4cc to Spl.Government Pleader Sr.No.32855,32858,32859,32860
nbj
AA/29.07.2015/6p-15c/

**W.P. (MD) Nos. 3906, 3969, 3970 & 3970 of 2013,
21236 of 2014 and 4572 of 2015**

22.06.2015