

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1386 of 2016
W.M.P.Nos.1157 & 1158 of 2016

Sai Ram Matriculation School
Rep. by its Chief Executive Officer ... Petitioner

Vs

1. The State of Tamilnadu
Rep. by its Principal Secretary to Government
Labour and Employment Department
Fort St. George, Chennai-600 009.
2. Employees' State Insurance Corporation
Rep. by its Regional Director
"Panchdeep", Sterling Road
Nungambakkam, Chennai-600 034.
3. The Deputy Director
Sub Regional Office
Employees State Insurance Corporation
No.39/57 Three Roads,
Salem and District. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call 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.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.S.Diwakar - R1
Additional Government Pleader

Mr.G.Bharatwaj-R2 & R3
Standing Counsel

O R D E R

Heard Mr.R.Suresh Kumar, learned Counsel appearing for the petitioner, Mr.S.Diwakar, learned Additional Government Pleader accepting notice for the first respondent and Mr.G.Bharatwaj, learned Standing Counsel accepting notice for the respondents 2 & 3 and with their consent the Writ Petition is taken up for final disposal.

2.It is agreed by the learned counsel appearing on either side that the issue involved in this writ petition is covered by the decision of the Hon'ble Division Bench in the case of MAHARAJA COLLEGE OF ARTS AND SCIENCE & ORS v. THE GOVERNMENT OF TAMILNADU REP. BY ITS PRINCIPAL SECRETARYT & ORS [W.A.Nos.1233 of 2011 etc. batch dated 09.06.2015]. The Judgment 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 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. Consequently, connected miscellaneous petitions are closed."

3.Following the same, the writ petition is disposed of by agreement that there will be an order of interim stay of the impugned notification following the interim orders already granted in the connected Writ Appeals and Writ Petitions referred to above 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

rpa

To

1. The State of Tamilnadu
Rep. by its Principal Secretary to Government
Labour and Employment Department
Fort St. George, Chennai-600 009.
2. Employees' State Insurance Corporation
Rep. by its Regional Director
"Panchdeep", Sterling Road
Nungambakkam, Chennai-600 034.
3. The Deputy Director
Sub Regional Office
Employees State Insurance Corporation
No.39/57 Three Roads,
Salem and District.

+1cc to Mr.R.Suresh Kumar, Advocate, S.R.No.2539

+1cc to Mr.G.Bharatwaj, Advocate, S.R.No.2554

+1cc to the Government Pleader, S.R.No.2699

W.P. No.1386 of 2016

PA(CO)

CA(28/01/2016)