

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.20588 of 2016
and W.M.P.Nos.17694 & 17695 of 2016

St. Peter's College of Education,
Rep. By its Secretary,
Rev. Fr. Pancras
Karumathampatti Post,
Coimbatore - 641 659.

... Petitioner

Vs.

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

2.The Regional Director,
Regional Corporation (Tamil Nadu)
143, Sterling Road,
Chennai - 600 034.

3.The Deputy Director,
Sub-Regional Office, Coimbatore,
1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram,
Coimbatore - 641 045.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorari 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.56001141130001399 dated 09.01.2014 and the proceedings in No.56001141130001399/Ins IV dated 22.04.2016 and quash the same in so far as they relate to the Petitioner's college.

For Petitioner : Ms.Arul Mary

For Respondents: Ms.P.Kavitha
Govt. Advocate for R1

Mr.S.P.Srinivasan
for R2 & R3.

O R D E R

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Ms.Arul Mary, learned counsel appearing for the petitioner, Ms.P.Kavitha, learned Government Advocate appearing for the first respondent and Mr.S.P.Srinivasan, learned counsel appearing for R2 and R3.

3. The petitioner challenges the Government Order passed by the first respondent bringing the educational institutions under the purview of Employees' State Insurance Act, 1948.

4. The issue involved in this writ petition is squarely covered by the decision of the First Bench of this Court in W.A.No.1233 of 2011 etc. batch, dated 09.06.2015. The order passed by the First Bench 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 I.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."

5. Following the above order, this writ petition is disposed of holding that there will be an interim order restraining the respondents from enforcing the demand till the disposal of the matter before the Honourable Supreme Court and the petitioner would be 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-V)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Principal Secretary to Government,
Labour and Employment Department,
The Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Regional Director,
Regional Corporation (Tamil Nadu)
143, Steling Road,
Chennai - 600 034.

3.The Deputy Director,
Sub-Regional Office, Coimbatore,
1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram,
Coimbatore - 641 045.

1 cc to M/s.S.P.Srinivasan, Advocate, sr.33281
1 cc to Government Pleader, sr.33754

W.P. No.20588 of 2016

ctk co
kra 12.07.2016