

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.09.2016

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.30924 of 2016
and WMP.Nos.26790 and 26791 of 2016

CBSE Schools Management Assn. (CSMA)
(Regn. No.88/2014) rep. by its
Secretary Mr.P.Ashok Shankar
No.249A Ganapathi Pudur Street
No.3 Sathi Main Road
Coimbatore 641 006 [Petitioner]

Vs

- 1 The State of Tamilnadu
rep. by its Principal Secretary
Labour and Employment Department
Fort St. George
Chennai-9
 - 2 Employees State Insurance
Corporation rep. by its
Additional Commissioner and Regional Director
143 Sterling Road Nungambakkam Chennai-34
- [Respondents]

Prayer: Writ petition No.2341416 filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records of the 1st respondent relating to G.O.Ms.No.237 Labour and Employmnt (K1) dated 26.11.2010 and quash the same

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.K.Prabakaran (R2)
Mr.M.Elumalai, GA (R1)

ORDER

Mr.K.Prabakaran, learned counsel, takes notice on behalf of the 2nd respondent and Mr.M.Elumalai, learned Government Advocate, takes notice on behalf of the 1st respondent.

2. This writ petition is filed challenging G.O.Ms.No.237 Labour and Employment (K1) dated 26.11.2010.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that in similar circumstances, the First Bench of this Court has disposed of the Writ Appeal in W.A.No.2285 of 2011 by Judgment dated 03.06.2015, which reads as follows:-

"Learned counsel for the parties state that as recorded in the order dated 17.01.2013, the question of law has been referred to the larger Bench of the Hon'ble 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 appeal is 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, M.P.No.1 of 2011 is closed".

4. Following the same, this writ petition is also disposed of on the same lines. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rg

To

1

Principal Secretary
The State of Tamilnadu
Labour and Employment Department
Fort St. George
Chennai-9

2

Additional Commissioner and Regional Director
Employees State Insurance Corporation
143 Sterling Road Nungambakkam Chennai-34

+1 cc to Mr.T.Gowthaman Advocate sr 50227
+1 cc to Mr.K.Prabhakar Advocate sr 50791

W.P.No.30924 of 2016

aa20/09/2016



WEB COPY