

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3138 of 2016
and
WMP.Nos.2573 & 2574 of 2016

Sai Ram Vidyalaya,
rep. by its Chief Executive Officer,
Villiyannur-Koodapakkam Main Road,
Ulavaiklall,
Puducherry-605502.Petitioner

Vs

1. The Government of Puducherry,
rep. by its Additional Secretary to
Government (Labour),
Labour Department, General Secretariat,
Puducherry.
2. Employees' State Insurance Corporation,
Regional Office (Puducherry),
rep. by its Deputy Director,
No.178, 100 Feet Road,
Ansari Duraisamy Nagar,
Puducherry-605 004. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in respect of the impugned notification issued by the first respondent in Order No.6563/Lab/K/2004 dated 24.06.2005, as published in the Puducherry Govt. Gazette No.28, dated 12.07.2005 and quash the same.

For Petitioner : Mr.R.Suresh Kumar
For Respondents : Ms.N.Mala
Addl. G.P. (Pondy)
Mr.G.Bharadwaj
Standing Counsel for R2

O R D E R

Heard Mr.R.Suresh Kumar, learned counsel appearing for the petitioner, Ms.N.Mala, learned Additional Government Pleader (Pondy) appearing for the first respondent and Mr.G.Bharadwaj,

learned Standing Counsel accepting notice for the second respondent 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.

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s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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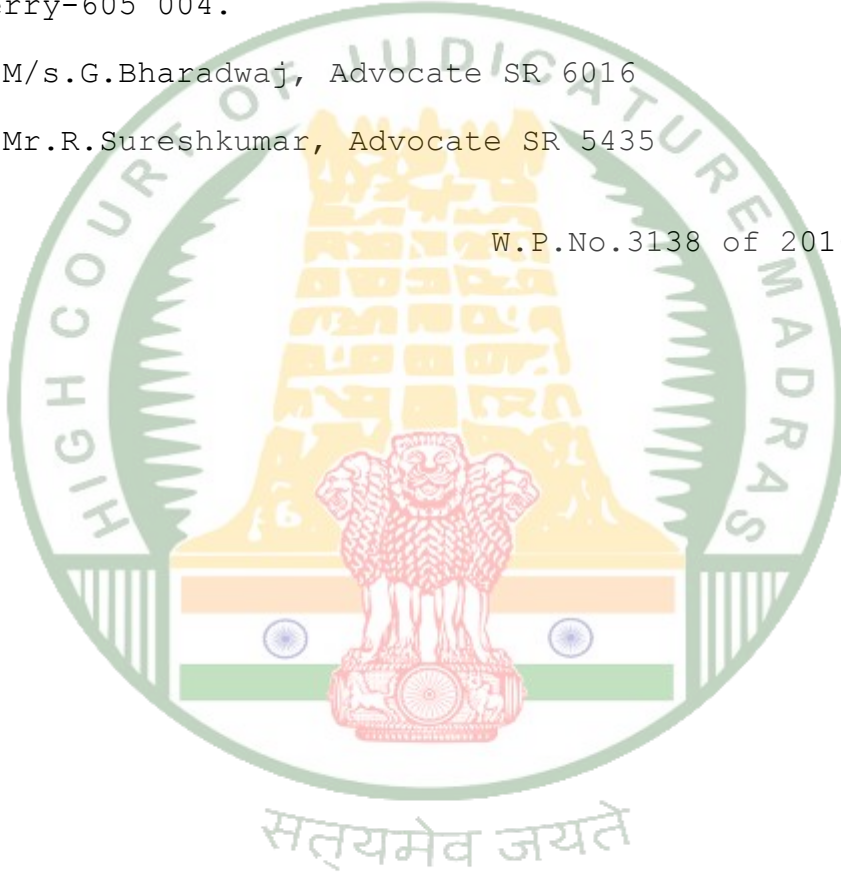
1. The Additional Secretary to Govt.(Labour)
Government of Puducherry,
Labour Department, General Secretariat,
Puducherry.
2. The Deputy Director,
Employees' State Insurance Corporation,
Regional Office (Puducherry),
No.178, 100 Feet Road,
Ansari Duraisamy Nagar,
Puducherry-605 004.

+ 1 cc to M/s.G.Bharadwaj, Advocate SR 6016

+ 1 cc to Mr.R.Sureshkumar, Advocate SR 5435

mp(co)
prk8/2

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