

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.33796 of 2016

and

W.M.P.No.29164 of 2016

M/s.Maisurii Polytechnic College,
represented by its Secretary
Mr.A.L.Ravi,
Kanakagiri,
Kakapalayam Post,
Salem - 637 504.

... Petitioner

Vs.

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

2.Employees State Insurance Corporation,
represented by its
Sub-Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a direction to issue a Writ of Certiorari by calling for the records of the second respondent culminating in the order bearing No.63000955620001304/INS/SRO/ SLM/202/16 dated 02.08.2016 and quash the same.

For Petitioner : Mr.S.Siva Shanmugam

For Respondents: Mrs.P.Rajalakshmi,
Government Advocate [R1]
Mr.K.Prabakaran [R2]

O R D E R

Petitioner has filed this writ petition challenging the order of second respondent passed in No.63000955620001304/INS/SRO/SLM/202/16 dated 02.08.2016.

2. Heard Mr.S.Siva Shanmugam, the learned counsel for the petitioner, Mrs.P.Rajalakshmi, the learned Government Advocate for the first respondent and Mr.K.Prabakaran, the learned counsel for the second respondent.

3. 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 matters.

In view of the aforesaid position, the writ petition is disposed of by agreement that the interim order 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 petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm
TO

1. Principal Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. Sub-Regional Office (Salem),
Employees State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009.

+ 1 cc to Mr.S. Sivashanmugam, Advocate Sr.54751
+ 1 cc to Mr.K. Prabakar, Advocate Sr.55574
+ 1 cc to the Government Pleader Sr.55056

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SV(CO)
EU 1.11.16