

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7636/2016 & WMP.Nos.6865 & 6866/2016

Bharath Matriculation Higher Secondary School
represented by its Correspondent
t.S.No.8653/3, kambar Street,
Thiruvappur, Pudukottai 622003.

.. Petitioner

Versus

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Labour & Employment Department
Fort St George, Chennai 600 009.
- 2.The Regional Director,
The Employees State Insurance Corporation
Panchdeep, Sterling Road, Nungambakkam
Chennai 600 034.
- 3.The Deputy Director
Employees State Insurance Corporation
II West Street, KK Nagar
Madurai 600 020.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling upon 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 Government Gazette No.51, dated 29.12.2010 in Part II, Section II and consequential impugned order passed by the 3rd respondent vide No.5700740070001302/212016448-926/15 dated 01.02.2016 and quash the same.

For Petitioner : Mr.B.Jawahar
For R1 : Mr.R.Rajeswaran, Spl.GP
For R2, R3 : Mr.C.V.Ramachandramurthy

ORDER

Heard the learned counsel appearing for the petitioner ; Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the 1st respondent ; and Mr.C.V.Ramachandramurthy, learned Standing counsel accepting notice on behalf of the respondents 2 and 3 and with their consent, the writ petition is taken up for final disposal at the admission stage.

2 The petitioner has filed this writ petition seeking to quash the order of the 1st respondent dated 26.11.2010 and the consequential order of the 3rd respondent dated 01.02.2016.

3 Learned counsel on either side submitted that in identical matters, this Court has passed orders, disposing of the said writ petitions and one such order in WP.No.35938/2015 dated 05.11.2015 has been placed before this Court for consideration. The said order reads thus:-

"2 In a batch of cases, the First Bench of this Court in WA.No.918/2011 etc., batch, has considered the identical prayer and disposed of the appeals as well as the writ petitions, by passing the order dated 16.06.2015, which 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 matters.

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 In the light of the above, this writ petition is also disposed of in terms of the order cited above. No costs. Consequently, the connected miscellaneous petitions are closed."

4 In the light of the fact that the issue raised in this writ petition is also identical, the present writ petition is also disposed of on the same lines. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Labour & Employment Department
Fort St George, Chennai 600 009.
- 2.The Regional Director,
The Employees State Insurance Corporation
Panchdeep, Sterling Road, Nungambakkam
Chennai 600 034.
- 3.The Deputy Director
Employees State Insurance Corporation
II West Street, KK Nagar
Madurai 600 020.

+1 cc to Mr.B.Jawahar Advocate sr.13086
+1 cc to Government Pleader sr.13246

+ 1 cc to Mr.C.V.Ramachandramurthy, Advocate Sr 3190 (24/3/16)

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WP.No.7636 of 2016

vsn(co)
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