



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17098 of 2016

and

W.M.P(MD)No.12412 of 2016

M/s.Chandy College of Engineering,
Chandy Nagar,
Mullakadu,
Thoothukudi - 628 005,
through its Vice Chairman
S.P.Chandy

... Petitioner

-VS-

1.The Government of Tamilnadu,
rep.by its Principal Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 9.

2.Employees State Insurance Corporation,
Sub Regional Office,
rep.by its Deputy Director,
Municipal Shopping Complex,
Sindhupoonthurai,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order of the 1st respondent in G.O.Ms.No.237 Labour and Employment (K1) dated 26.11.2010 and published at page 879 of Part II section 02 of the Tamil Nadu Government Gazette No.51 dated 29.12.2010 and the order of the 2nd respondent in No.66/00/040077/1399/45A dated 05.02.2013 and to quash the same.

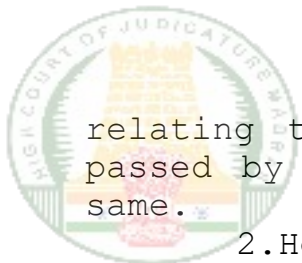
For Petitioner : Mr.K.A.Ramakrishnan

For R - 1 : Mrs.S.Bharathi
Government Advocate

For R - 2 : Mr.K.C.Ramalingam

O R D E R

This writ petition has been filed to call for the records



relating to the impugned orders dated 26.11.2010 and 05.02.2013 passed by the respondents 1 and 2 respectively and to quash the same.

2. Heard Mr. Ka. Ramakrishnan, learned counsel for the petitioner. Mrs. S. Bharathi, learned Government Advocate takes notice for the first respondent and Mr. K. C. Ramalingam, learned counsel takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3. According to the petitioner, by G.O. Ms. No. 237, Labour and Employment (K1) Department, dated 26.11.2010, the provisions of Employees State Insurance Corporation Act were extended to the Educational Institutions (excluding Government and Government Aided Institutions) run by individuals, trustees, societies or other organization, wherein twenty or more persons are employed or were employed on any day of the preceding twelve months with effect from the date of publication of this notification.

4. This issue is the subject matter of consideration in the Larger Bench of the Hon'ble Supreme Court. Making reference to the pendency of the issue before the Hon'ble Supreme Court, in a batch of Writ Petitions, this Court by order dated 11.06.2015 ordered that the interim orders would continue till the disposal of the matter by the Hon'ble Supreme Court.

5. The learned counsel appearing for the petitioner would submit that 50% of the amount claimed by the second respondent has already been deposited, but the learned counsel for the second respondent is not in a position either to admit or dispute the same for want of records. Therefore, the petitioner is directed to deposit 50% of the amount demanded within a period of two weeks, if not already deposited. If it has been already deposited, that would be sufficient compliance of the order passed today.

6. The payment already made and the payment payable if any is subject to the result of the batch of Writ Petitions pending before the Hon'ble Supreme Court.

7. The Writ Petition is disposed of with the above observation. No costs. Consequently, WMP(MD) No. 12412 of 2016 is closed.

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar



To

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

+1cc to M/S.K.A.RAMAKRISHNAN,ADVOCATE, SR NO: 51211

+1cc to M/S.K.C.RAMALINGAM,ADVOCATE, SR NO: 57253

JA-SS-3/SAR.1/21.09.2016/3P:4C

W.P (MD) No.17098 of 2016
09.09.2016