



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

C O R A M

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THE HONOURABLE Dr.JUSTICE **S.VIMALA**Writ Petition (MD) No.18651 of 2016
and

W.M.P.(MD)Nos.13495 and 13496 of 2016

M/s.St.John Britto Matriculation School,
Rep. By its Correspondent
Subramaniapuram,
Trichy - 620 020.

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai 600 009.

2.Employees' State Insurance Corporation,
Regional Corporation (Tamil Nadu),
Represented by its Regional Director,
143, Sterling Road, Chennai-600 034.

3.Employees' State Insurance Corporation,
Sub-Regional Office (Salem)
Represented by its Director/Deputy Director,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem 636 009.

4.The Insurance Inspector,
E.S.I.Corporation,
Trichy Division.

5.The Social Security Officer/Inspector,
E.S.I. Corporation,
SIPCOT, Hosur - 635 126.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned G.O.(MS)No.237, Labour and Employment (K1) dated 26.11.2010 passed by the first respondent and the consequential proceedings of the third respondent dated 31.08.2016 in Nos.63000721900001302/Ins/SRO/Slm/C-18 (Adhoc) and 63000721900001302/SRO/SLM/C18-Actuals and quash the same in respect of the petitioner school.



For petitioner
For R1
For R2 to R5

... Mr.V.John Kennedy
... Mr.V.Pandi, Government Advocate
... Mr.K.C.Ramalingam

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ORDER

This Writ petition has been filed praying to call for the records pertaining to the impugned G.O.(MS)No.237, Labour and Employment (K1) dated 26.11.2010 passed by the first respondent and the consequential proceedings of the third respondent dated 31.08.2016 in Nos.63000721900001302/Ins/SRO/Slm/C-18 (Adhoc) and 63000721900001302/SRO/SLM/C18-Actuals and quash the same in respect of the petitioner school.

2.When this matter is taken up for hearing, the learned counsel for the petitioner would submit that a Division Bench of the Principal Bench of this Court in W.A.No.1233 of 2011 and batch, dated 09.06.2015, has passed the following Judgment:

"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. V. Jai Bir Singh), the question of law has been referred to the larger Bench of the Honourable Supreme Court, ie., 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."

3.Heard the learned counsel for the respondents on the above submission made by the learned counsel for the petitioner.

4.Since the issue involved in the present case is covered by the decision mentioned supra, the writ petition is disposed of in terms of the above judgment. Once the issue is decided, the principle laid down therein shall automatically apply to the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True copy/



To

1. The Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai 600 009.

2. The Regional Director,
Employees' State Insurance Corporation,
Regional Corporation (Tamil Nadu),
143, Sterling Road, Chennai-600 034.

3. The Director/Deputy Director,
Employees' State Insurance Corporation,
Sub-Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem 636 009.

4. The Insurance Inspector,
E.S.I. Corporation, Trichy Division.

5. The Social Security Officer/Inspector,
E.S.I. Corporation, SIPCOT, Hosur - 635 126.

+1 CC to Mr.V.JOHN KENNEDY, Advocate, SR No.57695

+1 CC to Mr.K.C.RAMALINGAM, Advocate, SR No.57839

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30.09.2016

rj2

SH/SKS-RR:08.11.2016:2P/8C