



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.3704 of 2016andW.M.P(MD)Nos.3332 and 3333 of 2016

M/s.G.K.Public Nursery & Primary School,
rep by its Correspondent,
R.Krishnammal
15/12, Subburaman Road,
Anna Bus Stand, Madurai 20.

... Petitioner

Vs.

1.State of Tamil Nadu,
rep by its Principal Secretary,
Labour and Employment Department,
Fort St., George,
Chennai.

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

3.Employees' State Insurance Corporation,
Sub Regional Office,
rep by its Deputy Director,
2nd West Street,
K.K.Nagar, Madurai 20.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent herein G.O.(Ms)No.237 Labour and Employment(K1)Department dated 26.11.2010 and consequential order No.57-00-073904-000-1301/INS.II/SRO/MDU/273/2015 dated 11.11.2015 issued by the 3rd Respondent herein and quash the same.

For Petitioner : Mr.G.Manivannan

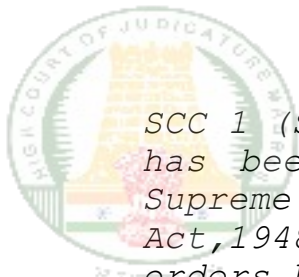
For 1st Respondent : Mr.S.Satheeshkumar,
Additional Government Pleader

For Respondents 2 & 3 : Mr.K.C.Ramalingam

ORDER

When the matter is taken up for hearing, both the parties fairly submitted that the prayer in this writ petition is covered by the decision of this Court made in W.A.No.1233 of 2011 etc., dated 09.06.2015. The said order is usefully extracted below:-

"Learned Counsel for the parties stated that as recorded in the order dated 05.05.2005 reported in 2005 (5)



SCC 1 (State of U.P. Vs. Jaj 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 the present matter.

2. In view of the aforesaid position, the writ appeals and writ petitions are disposed of, by agreement that the interims orders would continue till the disposal of the matter by the Hon'ble 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 result, this writ petition is disposed of, in the above terms. No costs. Consequently, W.M.P (MD) Nos. 3332 and 3333 of 2016 are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St., George, Chennai.

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

3. The Deputy Director,
Employees' State Insurance Corporation,
Sub Regional Office, 2nd West Street, K.K. Nagar, Madurai 20.

+One cc to The Special Government Pleader, SR.No.10493

+One cc to Mr. G. Manivannan, Advocate, SR.No.10642

+One cc to Mr. K. C. Ramalingam, Advocate, SR.no.10250

sms

RL/7C/NGM/SS/3/3/2016

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and
W.M.P (MD) Nos.3332 and 3333 of 2016
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