



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

CORAM:

WEB COPY THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No. 8067 of 2016
and
WMP (MD) Nos. 6589 & 6590 of 2016

M/s. Pushpalatha Matric Higher Secondary School,
Sivanthipatti Road,
Thiyagarajanagar,
Palayamkottai - 627 011,
Rep. By its Correspondent

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Labour and Employment,
Secretariat, Chennai - 600 009.

2. Employees' State Insurance Corporation,
Sub-Regional Office, Salai Street,
Vannarpettai, Tirunelveli - 3,
Rep. By its Deputy Director.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned notification issued by the 1st respondent in G.O. (Ms) No. 237 Labour and Employment (K1), dated 26.11.2010.

For Petitioner	: Mr. M. E. Ilango
For R-1	: Mr. S. Sadeshkumar, Additional Government Pleader
For R-2	: Mr. C. Ramalingam

ORDER

Mr. S. Sadeshkumar, learned Additional Government Pleader takes notice for the first respondent and Mr. K. C. Ramalingam, learned counsel takes notice for R-2.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The Writ Petition is filed challenging the impugned G.O. (Ms) No. 237 Labour and Employment (K1), dated 26.11.2010.

4. The petitioner school was issued with demand notice in the year 2011-2012, which admittedly has been honoured by the petitioner by paying the amount. Only apprehending any future action by the respondents, the present Writ Petition has been



filed.

5. When the matter is taken up for hearing, the learned counsel for the petitioner submits that a Division 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 vs. 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."

6.Since the issue involved in the present cases are 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 is automatically applied to the petitioner. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary, State of Tamil Nadu,
Department of Labour and Employment, Secretariat,
Chennai - 600 009.

2.The Deputy Director,
Employees' State Insurance Corporation,
Sub-Regional Office, Salai Street, Vannarpettai, Tirunelveli -3.

+1 CC TO M/S.K.C.RAMALINGAM, ADVOCATE IN SR.NO.23317
+1 CC TO THE SPECIAL GOVERNMENT PLEADER IN SR.NO.23451

PM

CSL/PEK/SAR-III/03.06.2016 : 2P/5C