

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10015 of 2017 & W.M.P.Nos.11022 & 11023 of 2017

Montfort Matriculation School,
Rep. by its Correspondent,
Rajalakshmi Avenue Main Road,
Perungudi, Chennai-600 096.

... Petitioner.

Vs.

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Labour and Employment (K1) Department,
Fort St. George, Chennai-600 009.

2.E.S.I.-Regional Corporation (Tamil Nadu),
Rep. by its Regional Director,
No.143, Sterling Road, Chennai-600 034.

3.Deputy Director, E.S.I.Corporation,
143, Sterling Road, Chennai-600 034.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned G.O.(MS) No.237, Labour and Employment (K1) Department, dated 26.11.2010 passed by the 1st respondent and the consequential proceedings pertaining to the impugned notice dated 30.03.2017 in No.51001072850001302/32420171032, on the file of the 3rd respondent and quash the same.

For Petitioner : Dr.Fr.A.Xavier Arulraj for
M/s.A.Arul Mary

For Respondents : Mr.M.Perumal for R1
Government Advocate

Mr.C.V.Ramachandran Moorthy for R2 & R3

ORDER

The relief sought for in this writ petition is calling for the records of the first respondent in G.O.(MS) No.237, Labour and Employment (K1) Department, dated 26.11.2010 and quash the same.

2.The Hon'ble Supreme Court of India dismissed a batch of cases filed in SLP(C) No.28285 of 2009 etc., dated 15th March, 2016. By following the orders of the Hon'ble Supreme Court of India, this Court passed final orders on 20th March, 2017 in Writ petition No.42247 of 2016 as hereunder:

“The only challenge sought to be made in this writ petition is to the coverage of employee state insurance qua the private educational institution.

2.When the matter is taken up for hearing, learned counsel appearing for respondents 2 and 3 submits that the issue has been dealt with finally by the Apex Court in a batch of cases in SLP No.28285 of 2009 etc., and

by order dated 15.03.2016, it has been held that private educational institutions are also bound to pay the employee state insurance contribution.

3.In such view of the matter, the writ petition stands dismissed. However, taking into consideration the pendency of the writ petition and the difficulties expressed by the petitioner, the arrears of ESI contribution as on today is ordered to be paid by the petitioner in 12 equal monthly instalments. It is made clear that the order would cover the past arrears till the month of March, 2017 and thus from the month of April, 2017, the petitioner is bound to pay the ESI contribution on regular basis. No costs. Consequently, connected miscellaneous petitions are closed.”

3.In view of the above orders passed by this Court, this writ petition is dismissed. However, there shall be no orders as to costs. Consequently, the connected miscellaneous petitions are closed.

28.08.2017

Index:Yes/No

abr

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S.M.SUBRAMANIAM, J.

abr

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Labour and Employment (K1) Department,
Fort St. George, Chennai-600 009.
- 2.The Regional Director,
E.S.I.-Regional Corporation (Tamil Nadu),
No.143, Sterling Road, Chennai-600 034.
- 3.The Deputy Director, E.S.I.Corporation,
No.143, Sterling Road, Chennai-600 034.



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