

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.9227 & 9228 of 2017 & W.M.P.Nos.10158 to 10161 of 2017

Rural Welfare Trust, Rep. by its Secretary,
TCR Complex, Tiruthani High Road,
Arakkonam, Vellore District-631 003.

... Petitioner in
W.P.No.9227 of 2017

Vs.

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

2. Employees' State Insurance Corporation,
Rep. by its Regional Director,
No.143, Sterling Road, Chennai-600 034.

3. The Manager, Arakkonam Branch,
Employees' State Insurance Corporation,
No.198-III, Gandhi Road, Arakkonam,
Vellore District.

... Respondents in
W.P.No.9227 of 2017

Sivagamiammal College of Arts & Science,
Rep. by its Chairman,
Kattinayanapalli, Krishnagiri-635 001.

... Petitioner in
W.P.No.9228 of 2017

Vs.

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

2. Employees' State Insurance Corporation,
Rep. by its Deputy Director (Revenue),
No.39/56, theerthamalai Vaniga Valagam,
Three Roads, Salem-636 009.

... Respondents in
W.P.No.9228 of 2017

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the respondents relating to the order of the first respondent in G.O.(MS) No.237, Labour and Employment (K1) dated 26.11.2010 and published at page 879 of Part II Section 2 of the Tamil Nadu Government Gazette No.51, dated 29.12.2010 and ending with the Order of the second respondent No.51/P/11/13/1/2016/SPREE/Inspn/S No.155 dated 24.03.2017 and No.63000943100001303/INS-I/SRO/SLM/14 dated 06.03.2017 respectively and quash the same.

For Petitioners : Mr.Kandhan Duraisami
(in both WPs.)

For Respondents
(in both W.Ps.)

: Mr.M.Perumal for R1
Government Advocate
Mr.C.V.Ramachandran Moorthy for R2 & R3

COMMON ORDER

The relief sought for in these writ petitions are 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, these writ petitions are dismissed. However, there shall be no orders as to costs. Consequently, the connected miscellaneous petitions are closed.

28.08.2017

Index: Yes/No

abr

सत्यमेव जयते
WEB COPY

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Labour and Employment (K1) Department,
Fort St. George, Chennai-600 009.
- 2.The Regional Director,
Employees' State Insurance Corporation,
No.143, Sterling Road, Chennai-600 034.
- 3.The Manager, Arakkonam Branch,
Employees' State Insurance Corporation,
No.198-III, Gandhi Road, Arakkonam,
Vellore District.
- 4.The Deputy Director (Revenue),
Employees' State Insurance Corporation,
No.39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 009.



सत्यमेव जयते

WEB COPY

S.M.SUBRAMANIAM, J.

abr



W.P.Nos.9227 & 9228 of 2017

28.08.2017

WEB COPY