

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9723 of 2017

&

WMP.Nos.10703 & 10704 of 2017

N.V.Polytechnic College
rep.by its Chairman
Samavarapatti Village
Pethappampatti
Udumalpet (Tk)
Tirupur District 642 205 ..Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Principal Secretary
Labour and Employment Department
Fort St.George
Chennai 600 009
2. Employees' State Insurance Corporation
(Sub Regional Office)
rep.by its Director
No.1897, Trichy Road
Panchdeep Bhavan, Ramanathapuram
Coimbatore 641 045 ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of 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.

For Petitioner:: Mr.Kandhan Duraisami

For Respondents:: Mr.P.V.Selvakumar
Additional Government Pleader
for R1

ORDER

By consent, the main writ petition itself is taken up for final disposal. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

2. The petitioner seeks for issuance of a writ of certiorari, to quash the order of the first respondent passed 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.

3. It is not disputed by the learned Additional Government Pleader for the first respondent that the issue involved in this writ petition is squarely covered by the decision of the First Bench of this Court in W.A.No.1233 of 2011 etc, batch dated 09.06.2015. The order passed by the First Bench reads as follows:

"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, i.e. 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. Consequently, connected miscellaneous petitions are closed."

4. Following the above order, this writ petition is disposed of holding that there will be an interim order restraining the respondents from enforcing the demand till the disposal of the matter before the Honourable Supreme Court and the petitioner would be bound by the legal position enunciated by the Honourable Supreme Court on such decision being rendered. Consequently, W.M.P.Nos.10703 & 10704 of 2017 are closed. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

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

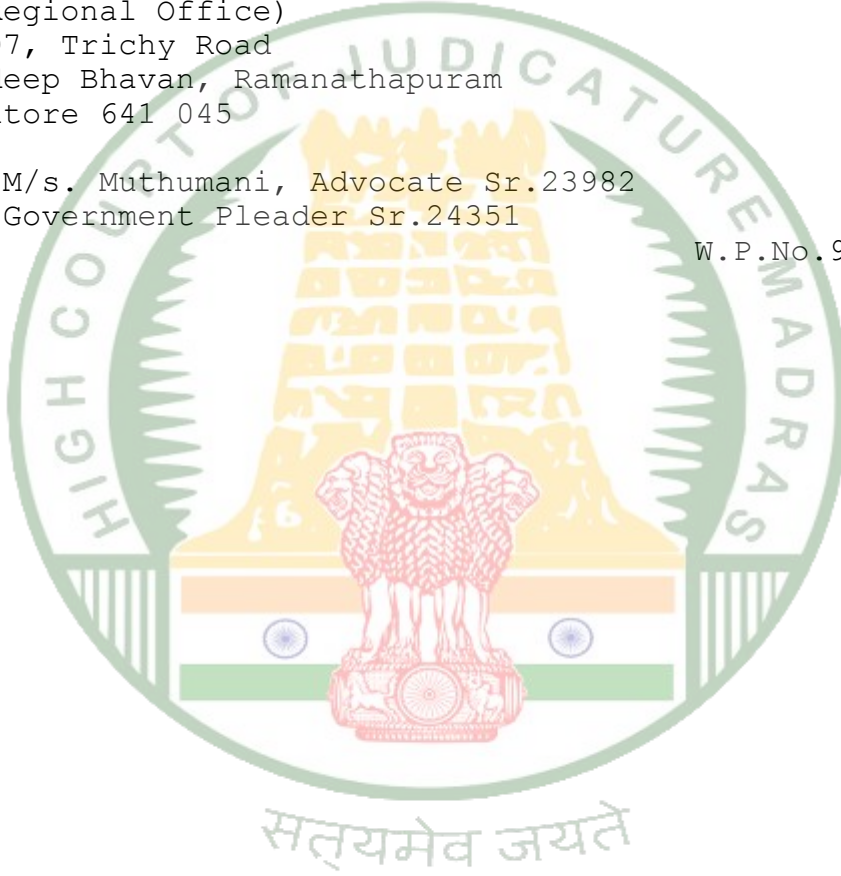
2. The Director
Employees' State Insurance Corporation
(Sub Regional Office)
No.1897, Trichy Road
Panchdeep Bhavan, Ramanathapuram
Coimbatore 641 045

+ 1 cc to M/s. Muthumani, Advocate Sr.23982

+ 1 cc to Government Pleader Sr.24351

W.P.No.9723 of 2017

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