

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9815 of 2017 & W.M.P.No.10809 of 2017

Pachamuthu Educational Trust,  
Rep. by its Vice-President,  
No.25 A, Kalliappa Gounder Street,  
Mathikonpalayam,  
Dharmapuri District-636 701.

..Petitioner

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 Assistant Director (Revenue),  
No.39/57, Theerthamalai Vaniga Valagam,  
Three Roads, Salem-636 009.

..Respondents  
in all W.Ps.

Petition 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 1<sup>st</sup> 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 Orders of the 2<sup>nd</sup> respondent No.63000739590001302/Ins/SRO/Salem/PH dated 26.05.2016 and No.63000931190001303/SRO/SLM dated 16.06.2016 and quash the same.

For Petitioner : Mr.Kandhan Duraisami

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

Mr.C.V.Ramachandran Moorthy for R2

O R D E R

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 15<sup>th</sup> March, 2016. By following the orders of the Hon'ble Supreme Court of India, this Court passed final orders on 20<sup>th</sup> 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 petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

abr

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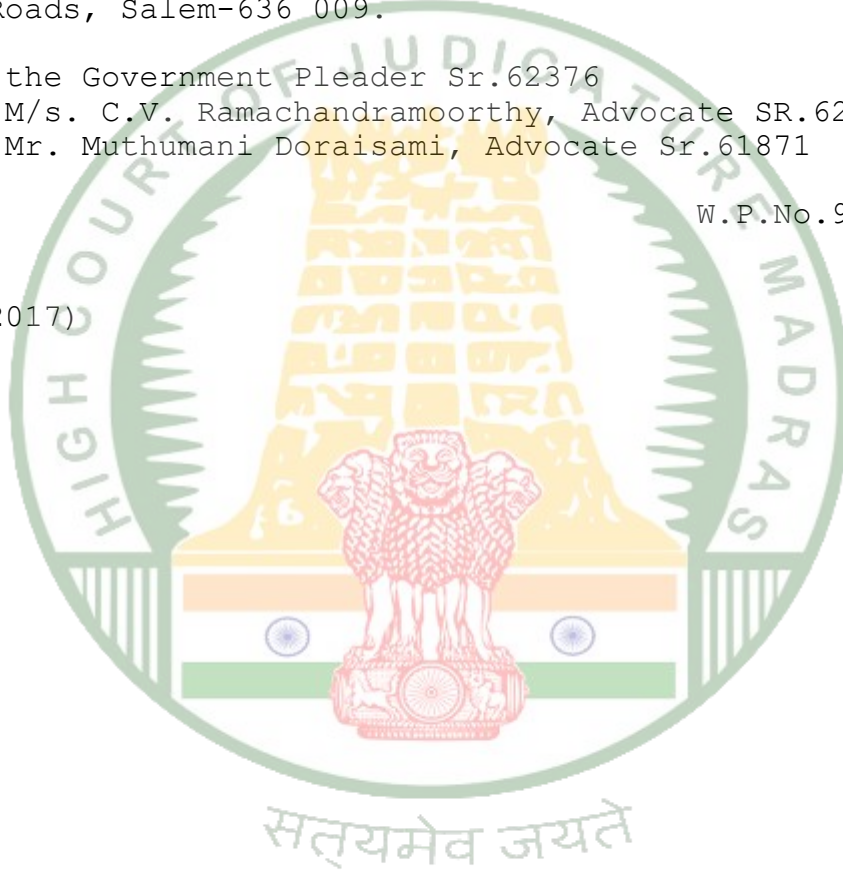
1.The Principal Secretary,  
Government of Tamil Nadu,  
Labour and Employment Department,  
Fort St. George, Chennai-600 009.

2.The Assistant Director (Revenue),  
Employees' State Insurance Corporation,  
No.39/57, Theerthamalai Vaniga Valagam,  
Three Roads, Salem-636 009.

+ 1 cc to the Government Pleader Sr.62376  
+ 1 cc to M/s. C.V. Ramachandramoorthy, Advocate SR.62653  
+ 1 cc to Mr. Muthumani Doraisami, Advocate Sr.61871

W.P.No.9815 of 2017

SS(CO)  
EU(03/10/2017)



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