

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10986 of 2017 & W.M.P.No.11957 of 2017

Pondicherry Catholic Educational

Association, Rep. by its Secretary,
No.206, Archbishop's House,
Cathedral Street, Pondicherry-605 001.

... Petitioner

Vs.

1.The Government of Pondicherry,
Rep. by its Additional Secretary,
To Government of (Labour) Labour Department,
General Secretariat, Puducherry.

2.Employees' State Insurance Corporation,
Regional Office-(Puducherry),
Rep. by its Regional Director,
No.178, 100 Feet Road,
Ansari Duraisamy Nagar, (Opp. to R.T.O.),
Puducherry-605 004.

3.Deputy Director,
Employees' State Insurance Corporation,
No.178, 100 Feet Road,
Ansari Duraisamy Nagar, (Opp. to R.T.O.),
Puducherry-605 004.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned Notification No.6563/Lab./K/2004, dated 24.06.2005, Labour Department, Government of Pondicherry, on the file of the 1st respondent and quash the same in respect of the member institutions of the petitioner, as mentioned in the Annexure to the petition.

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

For Respondents : No appearance for R1

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

O R D E R

The relief sought for in this writ petition is calling for the records pertaining to the impugned Notification No.6563/Lab./K/2004, dated 24.06.2005, Labour Department, Government of Pondicherry, on the file of the 1st respondent 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 petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

abr

To

1. The Additional Secretary,
The Government of Pondicherry,
Government of (Labour) Labour Department,
General Secretariat, Puducherry.
2. The Regional Director,
Employees' State Insurance Corporation,
Regional Office-(Puducherry),
No.178, 100 Feet Road,
Ansari Duraisamy Nagar, (Opp. to R.T.O.),
Puducherry-605 004.
3. The Deputy Director,
Employees' State Insurance Corporation,
No.178, 100 Feet Road,
Ansari Duraisamy Nagar, (Opp. to R.T.O.),
Puducherry-605 004.

+2cc to M/S.A.Arul Mary, Advocate Sr. 61884

+1cc to Mr.C.V.Ramachandramurthy, Advocate Sr. 62652

W.P.No.10986 of 2017

NRKJ(CO)
VR(09/10/2017)

सत्यमेव जयते

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