

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31463 of 2017 and
WMP Nos.34568 and 34569 of 2017

Hindustan College of Arts and Science,
Rep. by its Executive Trustee & secretary
K.Priya
Hindustan Gardens,
(behind Nava India)
Avinashi Road,
Coimbatore - 641 028 .. Petitioner

-vs-

1. The State of Tamilnadu
rep. by its Principal Secretary to Government,
Labour and Employment Department,
secretariat, Fort St. George,
Chennai - 600 009
2. The E.S.I.Regional Corporation
rep. by its Regional Director,
143, Sterling Road,
Chennai - 600 034
3. The E.S.I. - Sub Regional Officer
rep. by its Deputy Director,
1897, Trichy Road, Ramanathapuram,
coimbatore - 641 045 .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari by calling for the records pertaining to the impugned G.O.Ms.No.237 Labour and Employment (K1) dated 26.11.2010 passed by the 1st respondent and the consequential proceedings of the 3rd respondent in Ref.No.56001107680001303/CP/233285RH1838 dated 31.10.2017 and quash the same.

For Petitioner ::	Mr.S.Gunalan
For Respondents::	Mr.R.A.S.Senthilvel for R1 Additional Government Pleader Mr.S.P.Srinivasan for R2 and R3

O R D E R

This Writ Petition has been filed questioning the correctness and validity of G.O.Ms.No.237 Labour and Employment (K1) dated 26.11.2010 passed by the 1st respondent on the ground that Educational Institutions are not covered under the Employees State Insurance Act (hereinafter referred to as Act).

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the 1st respondent and learned counsel for respondents 2 and 3.

3. Admittedly, the issue raised in this Writ Petition is no longer res integra, since this Court in Writ Petition Nos.25752, 25744 and 26031 of 2017 on 09.10.2017 has held that the Educational Institutions are also coming under the ambit of the said Act and the prayer made in the said writ petitions were refused. This Court, being bound by the said order, is inclined to dismiss the present Writ Petition. Accordingly, the Writ Petition is dismissed. It is made clear that the petitioner shall pay the entire arrears of contributions in twelve equal instalments and the 1st Instalment shall commence from 1st week of January 2018. Consequently, connected miscellaneous petition are closed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

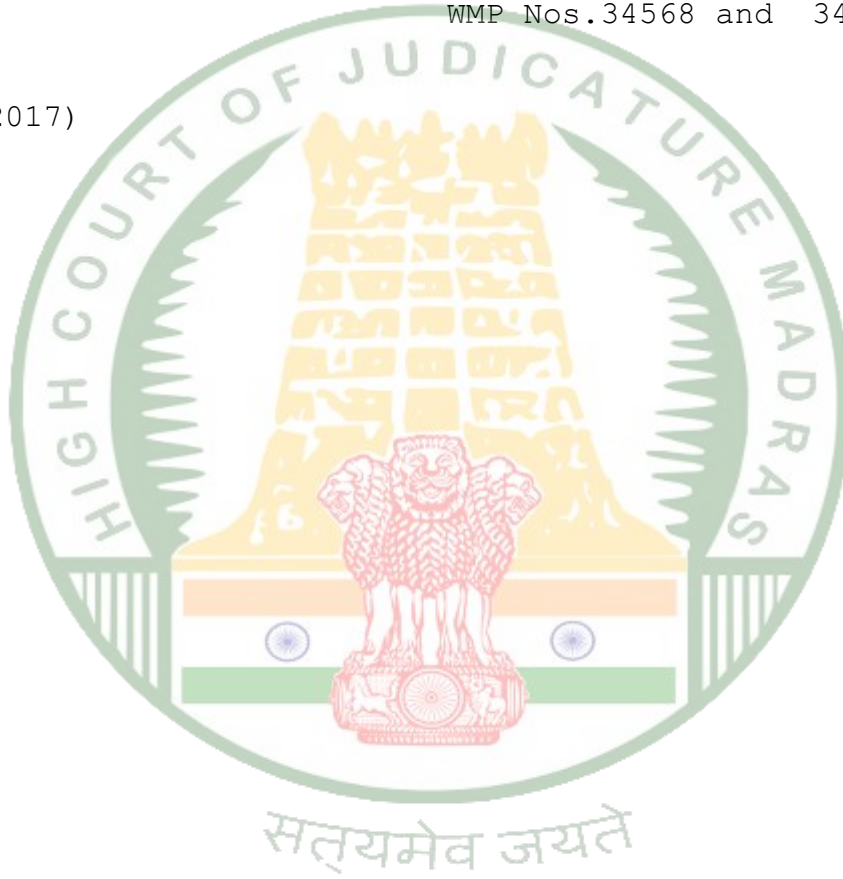
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+1cc to Mr.S.Gunalan Advocate, S.R.No. 86444
+1cc to Mr.S.P.Srinivasan Advocate, S.R.No. 85944
+1cc to the Government Pleader, S.R.No. 86809

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TR(27/12/2017)



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