

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21177 of 2017 and
W.M.P.No.22075 of 2017

Jawahar Science College,
rep.by its Secretary,
Block-14, Neyveli,
Cuddalore District. ... Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
2. Employees' State Insurance Corporation,
(Sub Regional Office),
Rep. by its Deputy Director,
No.143, Sterling Road,
Chennai-600 034. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings No.TN/Ins./VIII/51-00-102-498-000-1303 and TN/D18/Ins./51-00-102-498-000-1303 dated 30.12.2016 passed by 2nd respondent and quash the same.

For Petitioner : Mr.N.Nithianandam
For Respondents : Mr.K.Dhananjayan
Special Government Pleader (For R1)
Mr.Bharadwaj (For R2)

O R D E R

The order dated 30.12.2016 passed by the second respondent under Section 45A of the Employees' State Insurance Act, 1948 is under challenge in this writ petition. Pursuant to the order, the writ petitioner is liable to contribute a sum of Rs.5,94,511/- determined by the competent authority.

2. The learned counsel for the writ petitioner contended that the issue is pending before the Hon'ble Supreme Court of India and the writ petition is to be considered after the disposal of the cases pending before the Hon'ble Supreme Court of India. The learned counsel appearing for the Employees' State Insurance Corporation produced an order passed by the Hon'ble Supreme Court of India in S.L.P.No.28285 of 2009, etc. dated 15.03.2016 in which the Hon'ble Supreme Court of India dismissed the appeal filed by the Kerala Unaided School Manager Association. Accordingly, this Court also passed the final orders on 20th March 2017 in W.P.No.42247 of 2016 is extracted 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 S.L.P.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 installments. 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 orders cited supra no further consideration required to be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

4. Registry is directed to return the original impugned order filed along with this writ petition to the counsel for the writ petitioner.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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

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

+ 1 cc to Mr.G. Bharadraj, Advocate SR.57641

+ 1 cc to Mr. Government Pleader SR.57766

+ 1 cc to Mr.Nithianathan, Advocate SR.58381

सत्यमेव जयते

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CS-IV

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