

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 13182 OF 2017
and
WMP. No. 14174 & 14175 OF 2017

Rathinavel Subramaniam Educational
Trust (Pondicherry) represented by
its Administrative Officer,
Kalikuppam, Thiruvettakudi,
Kottucherry Commune,
Karaikal-609609 ...Petitioner

Vs.

1. The Government of Puducherry
rep.by its Additional Secretary,
Labour Department,
General Secretariat, Puducherry.
2. Employees' State Insurance Corporation
rep. By its Regional Director,
No. 178, 100 Feet Road,
Ansari Duraisamy Nagar,
Puducherry- 605004.
3. The Branch Manager,
ESI Corporation,
Kamarajar Road,
Karaikal - 609605

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of 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.

For Petitioner : Mr. V.R. Appaswamee

For Respondents : Mr. Ramesh, AGP(P)-R1
Mr.S.P.Srialivasan R2&3

O R D E R

Heard Mr. V.R. Appaswamee, learned counsel for the petitioner and Mr. Ramesh, learned Additional Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with this Writ Petition, for quashing the Notification No.6563/Lab./K/2004, dated 24.06.2005 issued by the first respondent.

3. It is not disputed by the learned counsel for the respondents that the issue involved in this Writ Petition is squarely covered by the decision of the Hon'ble Division Bench of this Court in W.A. No. 1233 of 2011 etc, batch dated 09.06.2015. The order passed by the Division 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 Hon'ble Supreme Court and the petitioner would be bound by the legal position enunciated by the Hon'ble Supreme Court on such decision being rendered. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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ak/rpa

Sub Assistant Registrar

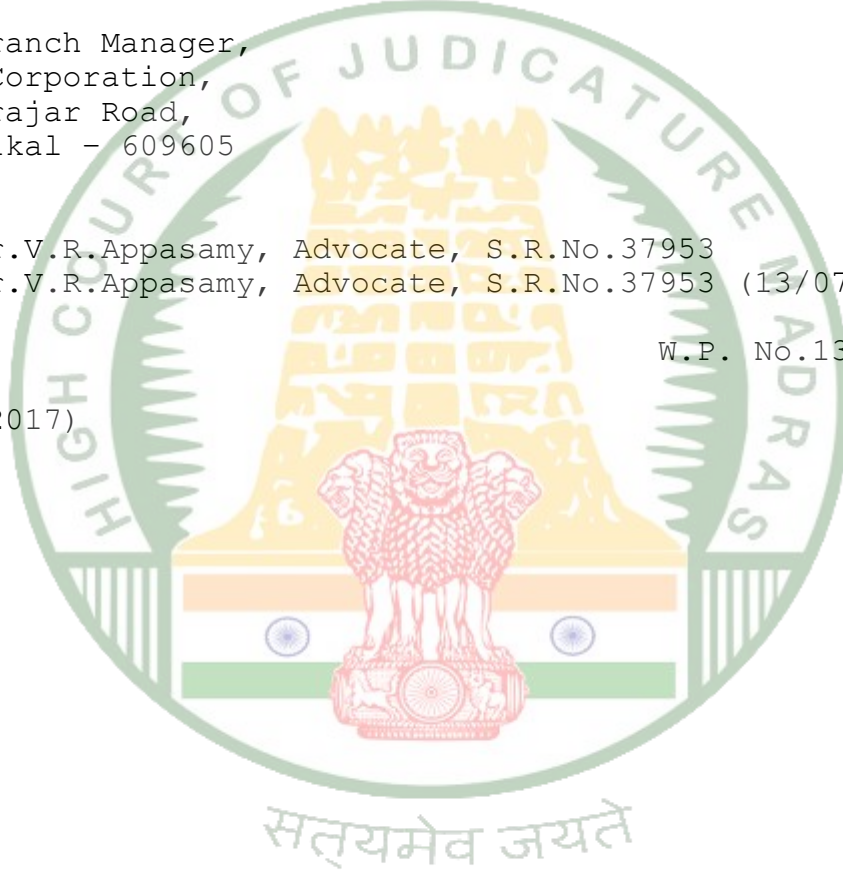
To

1. The Additional Secretary,
The Government of Puducherry
Labour Department,
General Secretariat, Puducherry.
2. The Regional Director,
Employees' State Insurance Corporation
No. 178, 100 Feet Road,
Ansari Duraisamy Nagar,
Puducherry- 605004.
3. The Branch Manager,
ESI Corporation,
Kamarajar Road,
Karaikal - 609605

+1cc to Mr.V.R.Appasamy, Advocate, S.R.No.37953
+1cc to Mr.V.R.Appasamy, Advocate, S.R.No.37953 (13/07/2017)

W.P. No.13182 of 2017

RJ(CO)
RS(06/06/2017)



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