

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:06.09.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.22948 of 2017 and
WMP Nos.24093 and 24094 of 2017

GRG Matric Higher Secondary School,
Rep. By its Principal
P.Poongothai
W/o Late K.R.Karthikeyan
Avinashi Road, Peelamedu,
Coimbatore. .. 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

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari in 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.56-00-110829-000-1302/Ins IV dated 19.07.2017 and to quash the same.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.M.Elumalai - for R1
Additional Government Pleader
Mr.Prabhakaran for R2 and R3

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides. By consent the main Writ Petition itself is taken up for final disposal.

2. The Petitioner has filed the present Writ Petition for passing of an order by this Court in calling for the records relating to the G.O.Ms.No.237 Labour and Employment (K1) dated 26.11.2010 passed by the 1st Respondent / the State of Tamilnadu, represented by its Principal Secretary to Government, Labour and Employment Department Secretariat, Fort St. George, Chennai - 600 009 and the 3rd Respondent / the E.S.I. - Sub Regional Officer, represented by its Deputy Director, 1897, Trichy Road, Ramanathapuram, Coimbatore - 641 045 and to quash the same.

3. When the matter is taken up for hearing, the Learned Counsel appearing for Respondents 2 and 3 / E.S.I. Corporation brings it to the notice of this Court that the present issue has been dealt with by the Hon'ble Supreme Court in a Batch of cases in S.L.P.No.28285 of 2009 etc., by virtue of the Order dated 15.03.2016 in and by which, it was held that Private Educational Institutions were also bound to pay the Employees' State Insurance Contribution, under the Employees' State Insurance Act, 1948.

4. In such view of the matter, the Writ Petition stands dismissed. However, taking into consideration the difficulties expressed by the Petitioner / School, the arrears of E.S.I Contribution as on 31.08.2017 are ordered to be paid in 12 Equal Monthly Instalments. Also, this Court makes it abundantly clear that the order would encompass the past arrears till the Month of August, 2017 and from the Month of September, 2017, the Petitioner is directed to pay ESI Contribution on regular basis without fail. Consequently connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssd

To

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

+1cc to MR.S.Gunalan, Advocate SR.No.64391
+1cc to Mr.K.Prabakar, Advocate SR.No.65003
+1cc to Government Pleader SR.No.64945

W.P.No.22948 of 2017 and
WMP Nos.24093 and 24094 of 2017

GN(21/09/2017)

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