

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

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THE HONOURABLE MR. **JUSTICE T. RAJA**

**W.P.No.33333 of 2017 and
WMP.Nos.36766 and 36777/2017**

THE LORDS' INTERNATIONAL SCHOOL
rep. by its Trustee A.Kumaraguru,
S.No.428/1, Samathuva Periyar Nagar,
Kishkintha Main Road, Perungalathur,
Chennai-63. .. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary to Government,
Labour & Employment Department,
Fort St. George, Chennai-9.
2. The Employees State Insurance Corporation
rep. by its Regional Director,
"Panchdeep",
No.143, Sterling Road, Chennai-34. .. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned Notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department dated 26.11.2010 as published in the Tamil Nadu Government Gazette dated 29.12.2010 in Part II Section II and quash the same as unsustainable, arbitrary, violative of Article 14 of the Constitution of India and Principles of

Natural justice.

For Petitioner : Mr.S.Ravichandran
For 1st Respondent : Mr.ERA.Premnath,
Government Advocate
For 2nd Respondent : Mr.S.P.Srinivasan

ORDER

The Writ Petition has been filed challenging the impugned Notification issued by the 1st respondent in G.O.Ms.No.237, Labour and Employment (K1) Department dated 26.11.2010 as published in the Tamil Nadu Government Gazette dated 29.12.2010 in Part II Section II and quash the same as unsustainable, arbitrary, violative of Article 14 of the Constitution of India and Principles of Natural justice.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the 1st respondent and the learned Counsel appearing for the 2nd respondent.

3. The issue raised in this Writ Petition is already covered by a decision of this Court in W.P.No.22948 of 2017 dated 6.9.2017 (GRG Matric Higher Secondary School, Coimbatore v. State of Tamil Nadu represented by its Principal Secretary to Government, Labour and Employment Department, Chennai and two others) and following the same, this Court has disposed of the

W.P.Nos.26031/2017 etc. batch by order dated 09.10.2017. The relevant portion in the said decision is extracted hereunder:

"6. In one another order passed by the Division Bench of this Court in W.P.No.22948 of 2017 dated 6.9.2017 (GRG Matric Higher Secondary School, Coimbatore v. State of Tamil Nadu represented by its Principal Secretary to Government, Labour and Employment Department, Chennai and two others), while dismissing the writ petition, taking into consideration the difficulties expressed by the petitioner school therein, the arrears of ESI contribution as on 31.8.2017 were ordered to be paid in 12 equal monthly instalments with a further direction to the petitioner therein to pay the ESI contribution on regular basis without fail from the month of September, 2017.

7. In the light of the above, the petitioners herein are permitted to pay the arrears of ESI contributions as on 30.09.2017 in 12 equal monthly instalments and it is made clear that from the month of October, 2017, the petitioners are directed to pay the ESI contributions on regular basis without fail. The writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.27633, 27634, 27168, 27169, 27176 & 27177 of 2017 are closed. No costs."

T.RAJA, J,

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4. Since the issue raised in this Writ Petition is no longer res integra and the same has also been covered under the provisions of the Employees' State Insurance Act, 1948, this Court finds no infirmity in the impugned order passed by the 1st respondent and the consequential order passed by the 3rd respondent. Therefore, the petitioner School is hereby permitted to pay the arrears of ESI Contributions as on 30.11.2017 in 12 equal monthly instalments in respect of their employees and it is made clear that from the month of December, 2017, the petitioner School is directed to pay the ESI contributions on regular basis without fail.

5. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

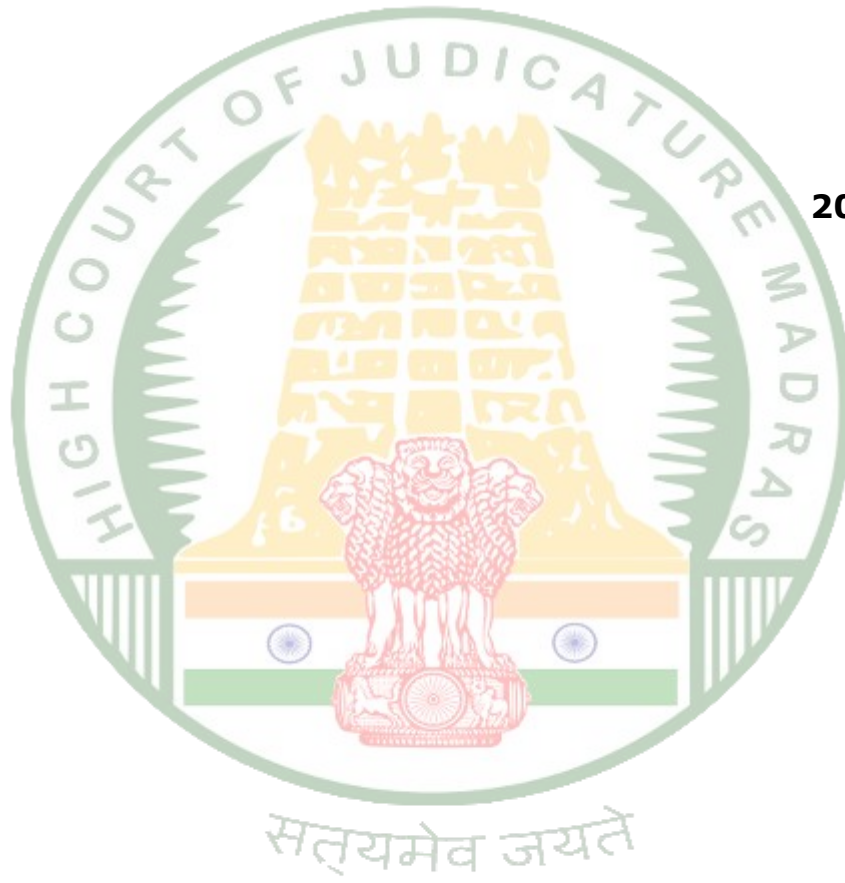
20.12.2017

Index : Yes/No
Internet : Yes/No
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To

1. The Principal Secretary to Government,
Government of Tamil Nadu, Labour & Employment Department,
Fort St. George, Chennai-9.
2. The Regional Director,
Employees State Insurance Corporation,
"Panchdeep", No.143, Sterling Road, Chennai-34.

W.P.No.33333 of 2017



20.12.2017

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