

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2017

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

W.P.No.23109 of 2017
and
WMP.Nos.24219 & 24220 of 2017

Pioneer College of Arts & Science,
Rep.by its Principal,
S.Mahendran

.. Petitioner

vs

1. The State of Tamil Nadu,
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 to issue a Writ of Certiorari, to call 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.56001117610001303/INSIV/Cbe, dated 09.08.2017 and to quash the same.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.C.E.Ranga Rajan
Government Advocate
for R1
Mr.G.Bharadwaj
for R2 & R3

O R D E R

The relief sought for in the writ petition is 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.56001117610001303/INSIV/Cbe, dated 09.08.2017 and to quash the same.

2. The Hon'ble Supreme Court of India dismissed a batch of cases filed in SLP(C) No.28285 of 2009 etc., dated 15th March, 2016. By following the orders of the Hon'ble Supreme Court of India, this Court passed final orders on 20th March, 2017 in Writ petition No.42247 of 2016 as 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 SLP 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 instalments. 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 above orders passed by this Court, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar(CS-J)

True Copy

Sub-Assistant Registrar

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To

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

2. The Regional Director,
The E.S.I. Regional Corporation,
143, Sterling Road,
Chennai - 600 034.

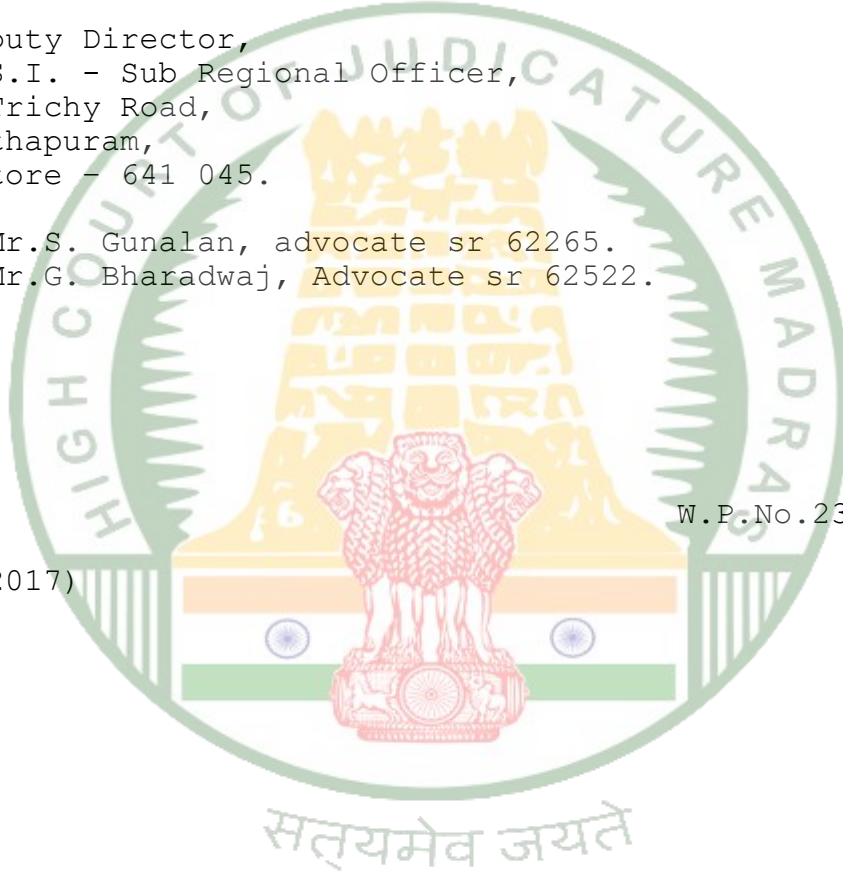
3. The Deputy Director,
The E.S.I. - Sub Regional Officer,
1897, Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

+1 CC to Mr.S. Gunalan, advocate sr 62265.

+1 CC to Mr.G. Bharadwaj, Advocate sr 62522.

SP(20/09/2017)

W.P.No.23109 of 2017



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