

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.23971 of 2017

and

W.M.P.Nos.25282 & 25283 of 2017

M/s Metro Matric Higher Secondary School
Situated at Coimbatore Road
Mettupalayam
Coimbatore - 64131
Rep. by its Correspondent

...Petitioner

Vs.

1. The State of Tamilnadu
Represented by its Principal Secretary to Government
Fort St.George, Chennai - 9.

2. The Employees State Insurance Corporation
(Sub-Regional Office) Represented by its
Deputy Director, 1897, Trichy Road
Panchdeep Bhavan, Ramanathapuram
Coimbatore - 641 045.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records related to impugned order passed by the 1st respondent in G.O.Ms.No.237, Labour and Employment (k1) Department dated 26.11.2010 and published at page 879 of Part II Section 2 of the Tamil Nadu Government Gazette No.51 dated 29.12.2010 and the consequential order of 2nd respondent in No.56001107230001302/Ins.Iv/692017344 dated 09.06.2017 and quash the same.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.R.S.Selvam
Government Advocate for R1

Mr.K.Prabakar for R2

O R D E R

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 2nd respondent 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 installments. It is made clear that the order would cover the past arrears till the month of September, 2017 and thus from the month of October, 2017, the petitioner is bound to pay the ESI contribution on regular basis. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

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To

1. The Principal Secretary to Government
The State of Tamilnadu
Fort St.George, Chennai - 9.

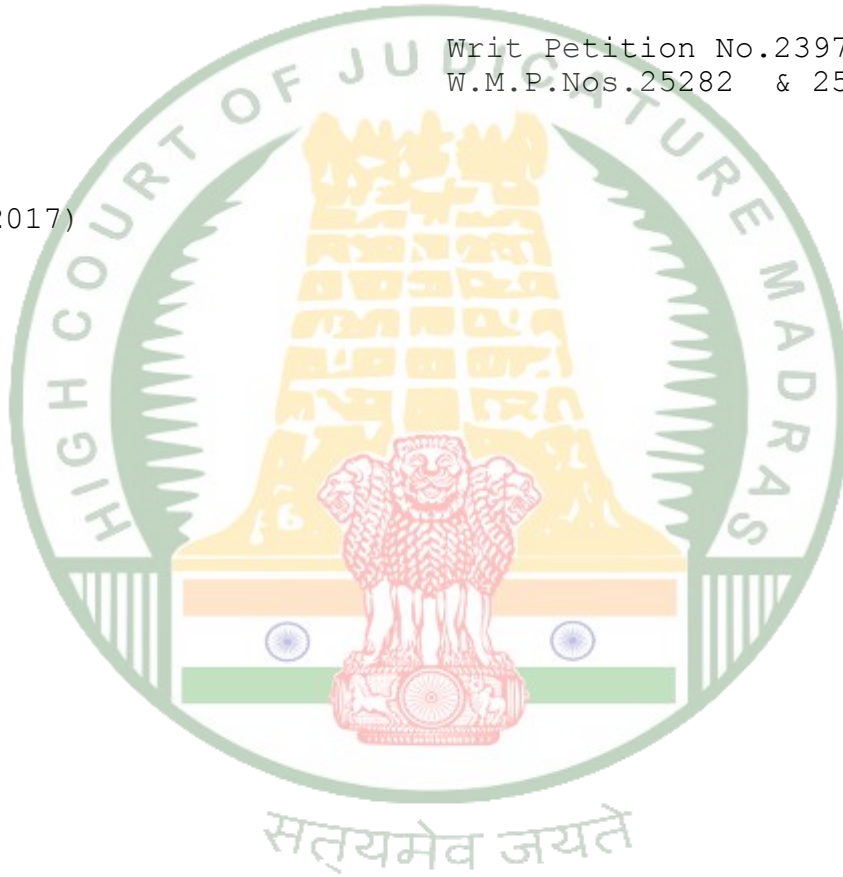
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2. The Deputy Director,
The Employees State Insurance Corporation
(Sub-Regional Office)
1897, Trichy Road
Panchdeep Bhavan, Ramanathapuram
Coimbatore - 641 045.

+1cc to Mr.J.Prakasam, Advocate Sr. 65117
+1cc to Mr.K.Prabakar, Advocate sr. 65002
+1cc to the Government Pleader, 64961

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SVI (CO)
VR(09/10/2017)



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