

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.09.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.23984 of 2017

in W.M.P.Nos.25290 and 25291 of 2017

ANGAPPA MATRIC HIGHER
SECONDARY SCHOOL,
Rep.by its Correspondent
T.V.Angappan
(Recognition No.02-M-0173-0518)
Koundanpalayam,
Coimbatore District - 641 025. ... Petitioner

Vs

- 1.State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
- 2.Employees State Insurance Corporation,
Rep.by its Regional Director,
'Panchdeep',
Sterling Road, Nungambakkam,
Chennai - 600 034.
- 3.The Deputy Director,
(INS-IV),
Employees State Insurance Corporation,
(Sub-Regional Office), Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 64145. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the Impugned Notification issued by the First Respondent in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010, as published in the Tamil Nadu Government Gazette No.51, dated 29.12.2010 in Part-II Section-II and consequential impugned notice issued by the 3rd respondent vide No.56001115060001302/INS-IV, dated 17.08.2016 and quash the same as illegal and consequentially direct the 3rd respondent not to

compel the petitioner school to pay contribution under the Employee's State Insurance Corporation Act, 1948.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.C.C.Rangarajan
Government Advocate, For R1
Mr.K.Prabakar, For R2 & R3

O R D E R

The relief sought for in this writ petition is to call for the records of the first respondent in G.O.(MS) No.237, Labour and Employment (K1) Department, dated 26.11.2010 and 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, this writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. However, no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
 - 2.The Regional Director,
Employees State Insurance Corporation,
'Panchdeep',
Sterling Road, Nungambakkam,
Chennai - 600 034.
 - 3.The Deputy Director,
(INS-IV)
Employees State Insurance Corporation,
(Sub-Regional Office), Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 64145.
- +1 cc to Mr.M.Venkadeshnan Advocate sr 64863
+1 cc to Mr.K.Prabakar Advocate sr 65000
+1 cc to the Government Pleader sr 64937

kj(co)
aa13/10/2017

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