

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2017

Coram

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

Writ Petition No.23985 of 2017

and

W.M.P.Nos.25292 & 25293 of 2017

Sri Dhandapani Matriculation School

Rep.by its Correspondent

T.V.Angappan

(Recognition No.10-M-0001-0518)

Mangalam Road

Tiruppur District - 641 687.Petitioner

Vs.

1. The State of Tamilnadu
Represented by its Principal
Secretary to Government
Labour & Employment Department
Fort St.George, Chennai - 9.
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 - 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 in respect of 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 No.51 dated 29.12.2010 in Part-II and consequential impugned show cause notice passed by the 3rd respondent vide No.56-00-110980-000-1302/C18 Adhoc/INS-IV dated 04.07.2017 and quash the same.

For Petitioner : Mr.M.Venkadeshan
For Respondents : Mr.M.Perumal
Government Advocate for R1
Mr.K.Prabakar for R2 and R3

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 and 3rd 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/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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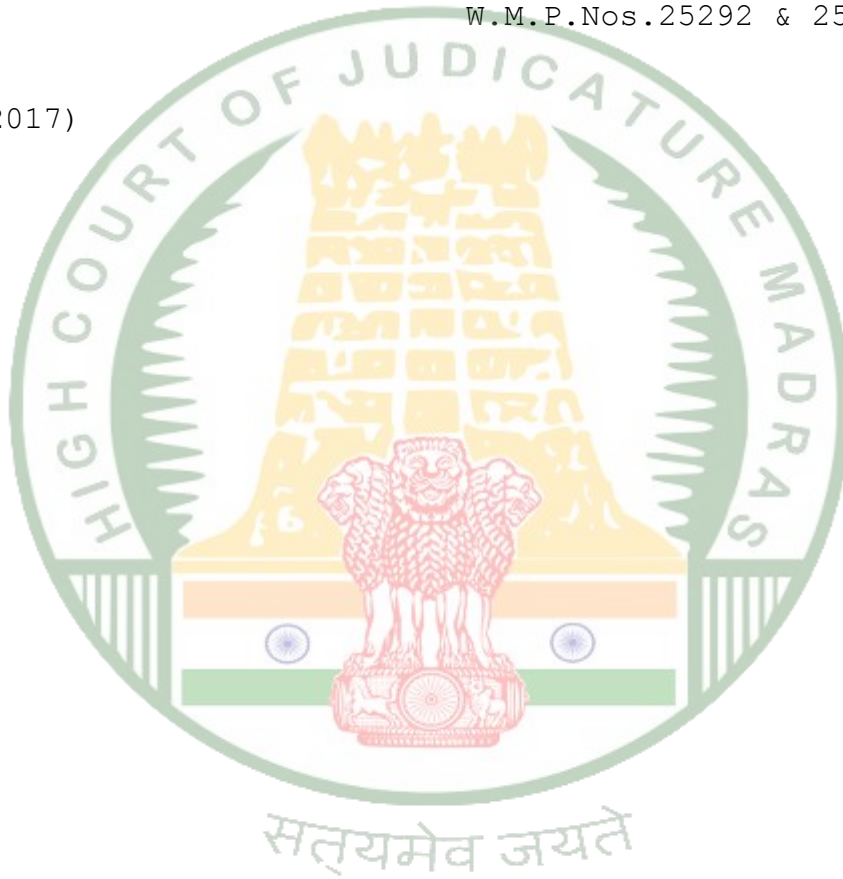
1. The Principal Secretary to Government
The State of Tamilnadu
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Coimbatore - 641 045.

+ 1 cc to Mr. K. Prabakarn, Advocate Sr.65001
+ 1 cc to Mr. M. Venkadeshnan, Advocate Sr.64864
+ 1 cc to Government Pleader SR.64933

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PVS (CO)
EU(13/10/2017)



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