

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25065 of 2017

and

W.M.P.Nos.26473 & 26474 of 2017

Sri Ramalinga Sowdambigai College of
Science and Commerce,
Represented by its Secretary V.Rajkumar,
Thondamuthur Road, Onappalayam,
Coimbatore - 641 109. Petitioner

Vs.

1.The 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,
(Sub Regional Office)
Rep. by its Deputy Director,
"Panchdeep Bhavan",
1897, Trichy Road, Ramanathapuram,
Coimbatore. Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling 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 in Part-II Section-II and quash the same.

For Petitioner : M/s.J.Pothiraj
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in this writ petition is calling 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, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

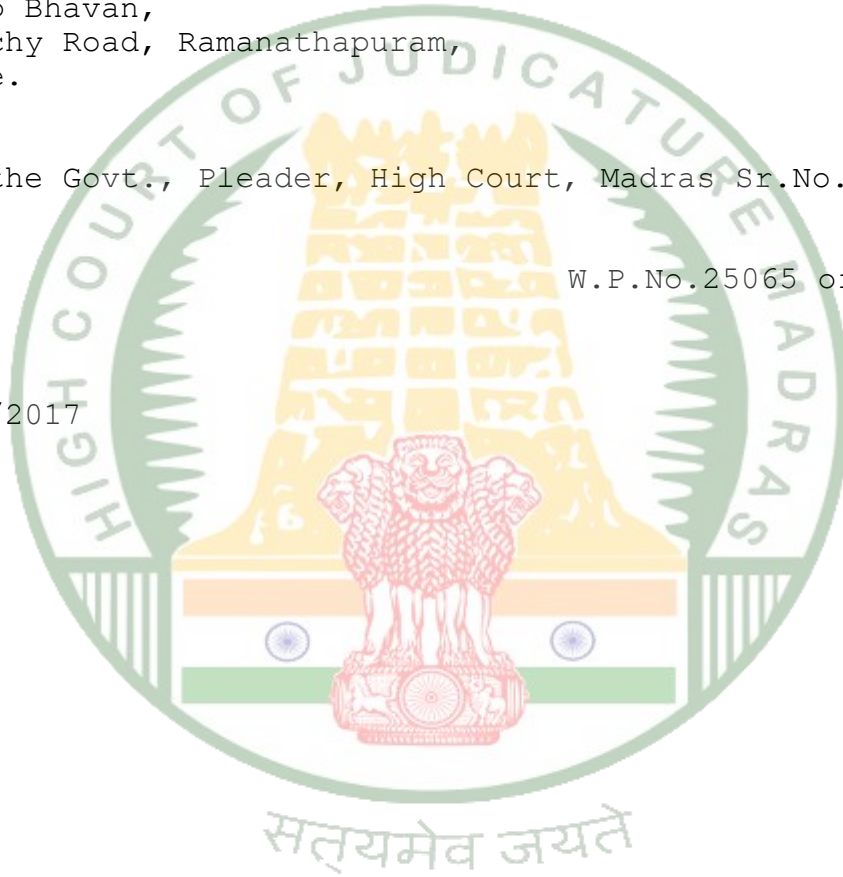
1.The Principal Secretary to Government,
The State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-600 009.

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

+1 CC to the Govt., Pleader, High Court, Madras Sr.No. 69483

W.P.No.25065 of 2017

BR (CO)
MD: 28/10/2017



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