

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25291 of 2017

and

W.M.P.Nos.26742 & 26743 of 2017

Dr.M.S.Udayamurthy School of Excellence,
Rep.by its Chairman K.Kathirvel,
No.6/1072, EB Colony, Paramathi Road,
Namakkal District-637 001. Petitioner

Vs.

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

2.Employees' State Insurance Corporation,
rep.by its Additional Commissioner and
Regional Director,
143, Sterling Road, Nungambakkam,
Chennai - 600 034.

3.Recovery Officer,
Employees State Insurance Corporation,
Regional Office, SRO - Salem,
39/57, Three Roads,
Salem - 636 009.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 3rd Respondent relating to the impugned notices bearing Ref.No.63000931850001302/CP/221341 and 63000931850001302/CP/221343 both dated 19.07.2017 and quash the same.

For Petitioner : M/s.T.Gowthaman

For Respondents : Mr.C.C.Rangarajan
Government Advocate
for R1
Mr.K.Prabhakar
for R2 & R3

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.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Additional Commissioner and
Regional Director,
Employees' State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai - 600 034.

3.Recovery Officer,
Employees State Insurance Corporation,
Regional Office, SRO - Salem,
39/57, Three Roads,
Salem - 636 009.

+1cc to M/s.T.Gowthaman Advocate, S.R.No. 70245/17

+1cc to Mr.K.Prabhakar Advocate, S.R.No. 69130/17

+1cc to the Government Pleader, S.R.No. 69835/17

W.P.No.25291 of 2017

KGK(CO)
TR(17/11/2017)

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