

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30163 of 2013

&

M.P.Nos.1 and 2 of 2013

Bethany Navajeevan College of Education
Bethany Nagar
Vencode-629 171
Pudukkadai, Kanyakumari District
rep. by its Correspondent
Fr.Saji George
O.I.C .. 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, rep. by its
Regional Director
Panchdeep, Sterling Road
Nungambakkam
Chennai - 600 034

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, for issuance of a Writ of Certiorari
calling for the records in respect of the impugned Notification
issued by the first respondent in G.O.Ms.No.237, Labour &
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 quash the same.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.K.Thangapandi
Government Advocate for R1
Mr.S.P.Srinivasan for R2

O R D E R

The relief sought in the writ petition is to call for the records in respect of the notification issued by the first respondent in G.O.Ms.No.237, Labour & Employment (K1) Department, dated 26.11.2010.

2. In relation to the very same issue, a batch of appeals were filed before the Hon'ble Supreme Court of India and the same were dismissed in S.L.P (c) No.2825 of 2009 etc., dated 15.03.2016.

3. Following the orders of the Hon'ble Supreme Court of India, this Court also passed final orders on 20.03.2017 in W.P.No.42247 of 2016 as under:

"The only challenge sought to be made in the writ petition is to the coverage of employee state insurance qua the private education 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 S.L.P.No.2825 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.

In view of the above orders passed by this Court, no further adjudication is required in this writ petition.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1. The 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

+ 1 cc to M/s. M. Venkadeshan, Advocate Sr. 80639
+ 1 cc to M/s. S.P. Srinivasan, Advocate Sr. 80399

W.P.No.30163 of 2013 &
M.P.Nos.1 and 2 of 2013

RR (CO)
EU (29/11/2017)

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