

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.15383 of 2017

and

W.M.P.Nos.16698 and 16699 of 2017

Jain Mission Vidyalaya Nursery & Primary School,
No.133, Anna Pillai Street,
Sowcarpet, Chennai - 600 001
Rep. by its Correspondent
Goutam Kumar P.Jain
S/o.Pukhraj Jain. Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The E.S.I. Regional Corporation (Tamil Nadu)
Rep. by its Regional Director,
143, Sterling Road,
Chennai- 600 034.
3. The E.S.I. - Regional Corporation (Tamil Nadu)
Rep. by its Deputy Director,
143, Sterling Road, सत्यमेव जयते
Chennai- 600 034. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned G.O.Ms.No.237 Labour and Employment (K1) Department dated 26.11.2010 passed by the 1st Respondent and the consequential proceedings of the 3rd Respondent in No.TN/INS VIII/5100110942-000-1301/122/17 dated 03.05.2017 and No.TN/INS\ VIII/5100110942-000-1301/123/17 dated 03.05.2017 and to quash the same in respect of the petitioner school.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Diwakar
Special Government Pleader (For R1)
Mr.S.P.Srinivasan (For R2 and R3)

ORDER

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 June, 2017 and thus from the month of July, 2017, the petitioner is bound to pay the ESI contribution on regular basis. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

cse

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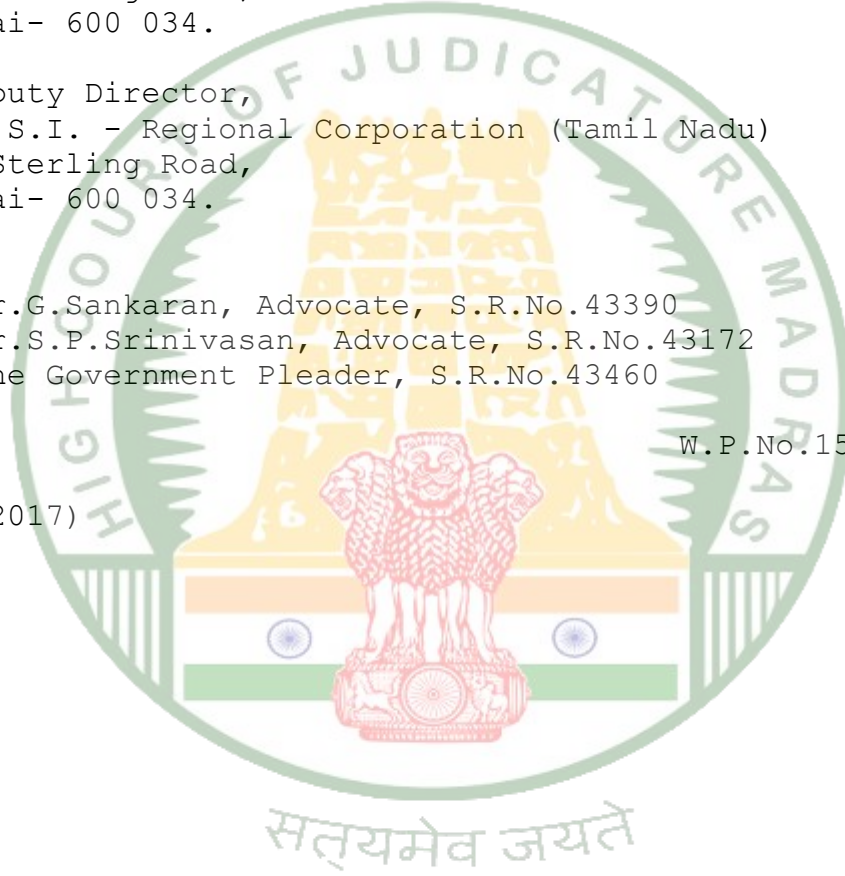
To

1. The Principal Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Regional Director,
The E.S.I. Regional Corporation (Tamil Nadu)
143, Sterling Road,
Chennai- 600 034.
3. The Deputy Director,
The E.S.I. - Regional Corporation (Tamil Nadu)
143, Sterling Road,
Chennai- 600 034.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.43390
+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.43172
+1cc to the Government Pleader, S.R.No.43460

W.P.No.15383 of 2017

KJ(CO)
RS(29/06/2017)



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