

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 17406 of 2017
and W.M.P.Nos. 18914 & 18915 of 2017

Jaya Matriculation School,
Rep by its Correspondent
Mr.K.Vijayakumari,
(Recognition No.2886/E1/2006)
No.1, 3rd Cross Street,
Krishnapuram,
Thiruninravur,
Thiruvallur District-602 024.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to
Government, Labour & Employment,
Department, Fort St.George,
Chennai - 600 009.
2. Employees State Insurance Corporation,
Corporation, Rep by its
Regional Director,
'Panchdeep' Bhavan, Sterling Road,
Nungambakkam, Chennai - 600 034.
3. The Deputy Director,
Employees State Insurance Corporation,
'Panchdeep' Bhavan,
No.143, Sterling Road,
Nungambakkam, Chennai - 600 034.
4. The Recovery Officer,
Office of the Recovery Officer,
Employees State Insurance Corporation,
'Panchdeep Bhavan',
No.143, Sterling Road,
Nungambakkam, Chennai - 600 034.

... Respondents

Prayer: Writ 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 & 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 consequential impugned Recovery Order passed by the 4th respondent Vide No.TN/RECY/45(G)-51001019430001302, CCR No.164116404 dated 19.06.2017 and quash the same as illegal.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.S.Gunasekaran (For R1)
Additional Government Pleader

O R D E R

Heard, Mr.M.Venkadeshnan, learned counsel appearing for the petitioner and Mr. S.Gunasekaran, learned Additional Government Pleader appearing for the first respondent.

2. In a batch of cases, the First Bench of this Court in W.A.No.918/2011 etc., batch, has considered the identical prayer and disposed of the appeals as well as the writ petitions, by passing the order dated 16.06.2015, which reads as follows:-

"Learned counsel for the parties state that as recorded in the order dated 05.05.2005 reported in 2005[5] SCC 1 [State of U.P. Vs.Jai Bir Singh], the question of law has been referred to the Larger Bench of the Honourable Supreme Court, i.e., whether the Employee's State Insurance Act, 1948, would apply to educational institutions. Interim orders have been operating in the present matters.

2. In view of the aforesaid position, the writ appeals and the writ petitions are disposed of by agreement that the interim orders would continue till the disposal of the matter by the Honourable Supreme Court and the parties would naturally remain bound by the legal position enunciated by the Honourable Supreme Court on such decision being rendered. No costs. Consequently, connected miscellaneous petition are closed."

3. In the light of the above, this writ petition is also disposed of in terms of the order cited above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

may a

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Labour & Employment,
Department, Fort St.George,
Chennai - 600 009.
2. The Regional Director,
Employees State Insurance Corporation,
'Panchdeep' Bhavan, Sterling Road,
Nungambakkam, Chennai - 600 034.
3. The Deputy Director,
Employees State Insurance Corporation,
'Panchdeep' Bhavan,
No.143, Sterling Road,
Nungambakkam, Chennai - 600 034.
4. The Recovery Officer,
Office of the Recovery Officer,
Employees State Insurance Corporation,
'Panchdeep Bhavan', सत्यमेव जयते
No.143, Sterling Road,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.M.Venkadeshnan, Advocate, S.R.No.47809

+1cc to the Government Pleader, S.R.No.48103

W.P.No. 17406 of 2017

SKS (CO)
CS/24/07/17