

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31281 of 2015 & M.P.Nos.1 & 2 of 2015

Shree Jethmal Tikamchand Chajed Jain

Mission Higher Secondary School,
Rep. by its Correspondent, Goutam.P.Jain,
No.1, Narayana Mudali Street,
Chennai-600 079.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment (K1) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.E.S.I-Regional Corporation (Tamil Nadu)
Rep. by its Regional Director,
143, Sterling Road, Chennai-600 034.

3.E.S.I-Regional Corporation (Tamil Nadu)
Rep. by its Deputy Director,
143, Sterling Road, Chennai-600 034.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned G.O.(MS) No.237, Labour and Employment (K1) Department, dated 26.11.2010 passed by the first respondent and the consequential proceedings of the third respondent in No.TN/INS VIII/51-00-110797-000-1302 C-18 Adhoc dated 02.06.2015 and quash the same in respect of the petitioner school.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Dhananjayan for R1
Special Government Pleader
Mrs.S.Jayakumari 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, this writ petition is dismissed. However, there shall be no orders as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Principal Secretary,
Government of Tamil Nadu,
Labour and Employment (K1) Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The Regional Director,
E.S.I-Regional Corporation (Tamil Nadu)
143, Sterling Road, Chennai-600 034.

3.The Deputy Director,
E.S.I-Regional Corporation (Tamil Nadu)
143, Sterling Road, Chennai-600 034.

+ 1 cc to Mr. G. Sankaran, Advocate SR.62023
+ 1 cc to Government Pleader Sr.62398
+ 1 cc to M/s. S. Jayakumari, Advocate Sr.62639

W.P.No.31281 of 2015

NRJK(CO)
EU(05/10/2017)



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