

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41028 of 2016 & W.M.P.No.35036 of 2016

M/s.Sri Ragavendra Polytechnic College,
Rep. by its Chairman, K.Thangavelu,
New Pallipalayam Road, Rotary Nagar,
B.Komarapalayam,
Namakkal District-638 183.Petitioner

Vs.

Deputy Director,
Employees' State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 009.Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records (as amended) by the respondent in No.63000943520001304 / INS / SRO / SLM / 469 / 15, No.63000943520001304 / INS / SRO / SL pertaining to the impugned orders issued under Section 45A of the EST ActM / 470 / 15 & No.63000943520001304 / INS / SRO / SLM / 471 / 15 dated 24.10.2016 respectively and quash the same.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mrs.S.Jayakumari

O R D E R

The relief sought for in this writ petition is calling for the records of the respondent issued under Section 45A of the EST Act dated 24.10.2016 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 petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

abr
To

The Deputy Director,
Employees' State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 009.

+ 1 cc to Mr. R. Marudhachalamuruthy, Advocate SR.62349

W.P.No.41028 of 2016

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