

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.42247 of 2016

and

W.M.P.Nos.36146 and 36147 of 2016

S.M.Arumugam Polytechnic College,
Rep. by its Managing Director
B.Kandasamy

... 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
Rep. by its Regional Director,
143, Sterling Road,
Chennai- 600 034.

3. The E.S.I. - Sub Regional Officer,
Rep. by its Deputy Director,
39/57, Theerthamalai Vaniga Valagam,
Salem - 636 009.

... 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 Ref.No.63000950470001304/INS/SRO/SLM/C-18 (Adhoc) / 192 dated 29.09.2015 and the further proceedings issued by the 3rd Respondent in Ref.No. 63000950470001304/Ins/C-19/SRO/Slm/192/2015 dated 06.10.2016 and to quash the same.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. 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 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

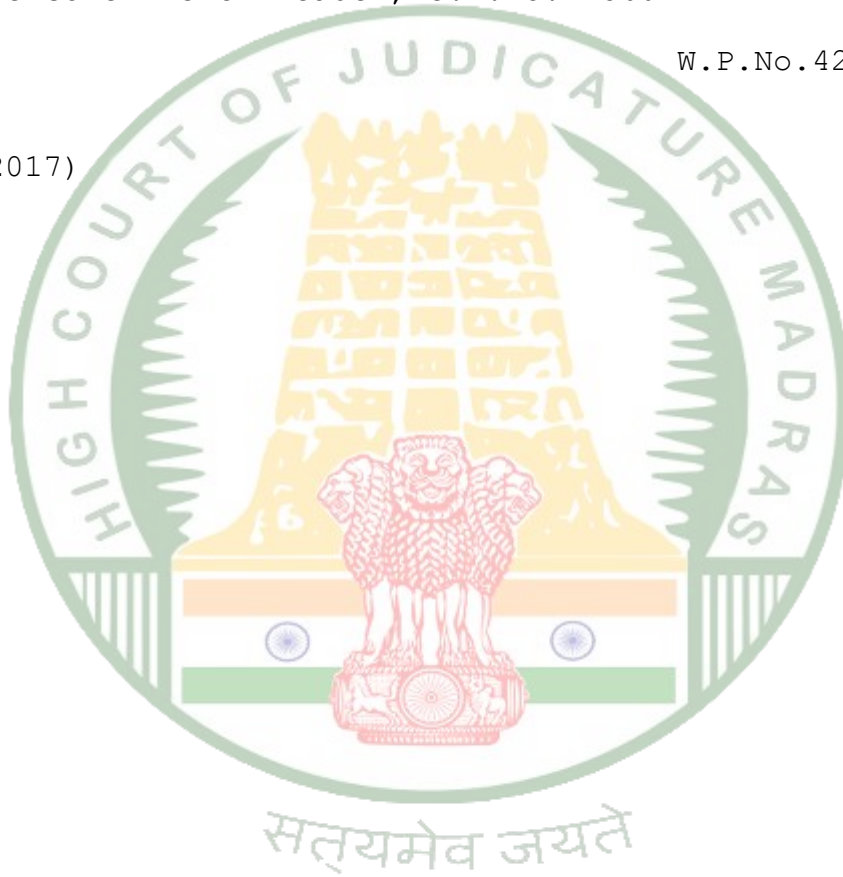
1. The Principal Secretary to Government,
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2. The Regional Director,
E.S.I. Regional Corporation,
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3. The Deputy Director,
E.S.I. Regional Corporation,
39/57, Theerthamalai Vaniga Valagam,
Salem - 636 009.

+1cc to Mr.Gunalan, Advocate, S.R.No.17514
+1cc to Mr.Srinivasan, Advocate, S.R.No.17332
+1cc to the Government Pleader, S.R.No.17360

W.P.No.42247 of 2016

SS (CO)
RS (07/04/2017)



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