

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43546 of 2016

St.Joseph's Matriculation School
represented by its Principal
4-562, Sipcot Housing Colony
Hosur 635 126

... Petitioner

-Vs-

1. The Government of Tamil Nadu
represented by its Principal Secretary
Labour and Employment Department
Fort St.George, Chennai 600 009
2. E.S.I.Regional Corporation (Tamil Nadu)
represented by its Regional Director
143, Sterling Road Chennai 600 034
3. Deputy Director
E.S.I.-Sub Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam
Three Roads Salem 636 009
4. SSO/Inspector
ESI Corporation
Sipcot, Hosur 635 126
Krishnagiri District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the impugned G.O.(Ms)No.237, Labour and Employment (K1) dated 26.11.2010 issued by first respondent and the proceedings dated 16.11.2016 in No.63000955490001302/INS/SRO/SLM/C18(Actual)484/16 and No.63000955490001302/INS/SRO/SLM/C18(Actual)485/16 and the consequential proceedings dated 30.11.2016 in No. 63000955490001302/SROS/Salem/INS/2016 on the file of the third respondent and quash the same in respect of the petitioner school.

For Petitioner : Ms.A.Arul Mary

For Respondents : Mr.M.Elumalai
Government Advocate for R1
Mr.S.P.Srinivasan for R2 to 4

ORDER

This writ petition has been filed by St.Joseph's Matriculation School represented by its Principal, Hosur seeking issuance of a writ of certiorari, calling for the records pertaining to the impugned G.O.(Ms)No.237, Labour and Employment (K1) dated 26.11.2010 issued by first respondent and the proceedings dated 16.11.2016 in No.63000955490001302/INS/SRO/SLM/C18 (Actual) 484/16 and No.63000955490001302/INS/SRO/SLM/C 18(Actual)485/16 and the consequential proceedings dated 30.11.2016 in No. 63000955490001302/SROS/Salem/INS/2016 on the file of the third respondent and quash the same in respect of the petitioner school.

2. When the matter was taken up, it was brought to the notice of this Court that the third respondent-Deputy Director, ESI Sub Regional Office, Salem, instead of showing the name of the petitioner school, namely, St.Joseph's Matriculation School, Sipcot Housing Colony, Hosur in the second page of the impugned order, has wrongly printed the employer's name as M/s Holy Cross College (Evening College), Trichy, as a result the petitioner has been put to grave confusion and prejudice. However, the petitioner has been compelled to challenge the same.

3. This Court, by order dated 27.1.2017, taking note of the non-application of mind by the third respondent, showing the name of M/s Holy Cross College (Evening College), Trichy in the second page of the impugned order, instead of the name of the petitioner school, directed the third respondent-Deputy Director to appear before this Court. Pursuant thereto, Mr.Karthikeyan, Deputy Director, ESIC, Salem appeared in person today and prayed this Court to condone the inadvertent mistake committed in the second page of the impugned order and he has also undertaken to issue the order afresh to the petitioner.

4. Accepting the explanation made by the third respondent and dispensing with his personal appearance, this writ petition is closed with liberty to the third respondent to issue the order afresh to the petitioner. Consequently, W.M.P.Nos.37366 & 37367 of 2016 are also closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss

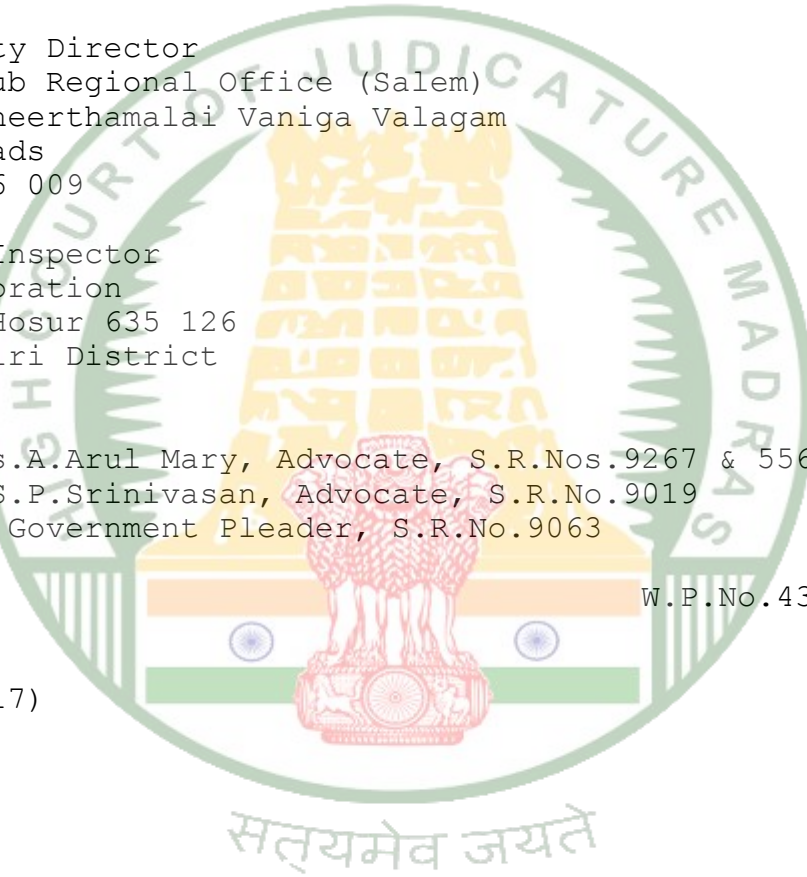
To

1. The Principal Secretary to Government
Labour and Employment Department
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Chennai 600 009
2. The Regional Director
E.S.I.Regional Corporation (Tamil Nadu)
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Salem 636 009
4. The SSO/Inspector
ESI Corporation
Sipcot, Hosur 635 126
Krishnagiri District

+4cc's to Ms.A.Arul Mary, Advocate, S.R.Nos.9267 & 5567
+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.9019
+1cc to the Government Pleader, S.R.No.9063

W.P.No.43546 of 2016

EV(CO)
CA(27/02/2017)



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