



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.09.2017

CORAM :
THE HONOURABLE MR.JUSTICE T.RAJA
WP(MD)No.20163 of 2014

and
MP(MD)Nos.1 and 2 of 2014

M/s.Union Christian Polytechnic College
Rep. by its Chairman
Shri.Thankappan
Shine Nivas, Arukattu Veedu
Cheruvelloor Post
Kanyakumari District.

... Petitioner

vs.

1)The Government of Tamilnadu,
Rep.by its Principal Secretary,
Labour and Employment Department,
Fort St.George,
Chennai 600 009.

2)Employees State Insurance Corporation
Rep. by its Deputy Director,
Sub-Regional Office
Panchadeep Bhavan
ESIC Complex
Salai Street, Vannarpettai
Tirunelveli 627 003.

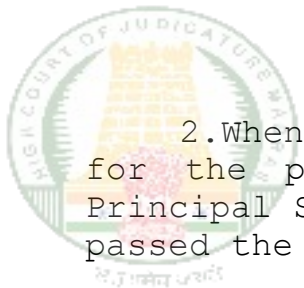
... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the order of the 1st Respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 and published at Page 879 of Part II Section 22 of the Tamilnadu Government Gazette No.51, dated 29.12.2010 and the consequential orders of the 2nd respondent in 66000404780001304/C-18 (Adhoc)/INS/MEC/SRO/TLI dated 18.11.2014 and quash the same.

For Petitioner	: Mr.R.Joseph Thankaraj
For R1	: Mr.R.Karthikeyan Additional Government Pleader
For R2	: Mr.R.Anandan

ORDER

The prayer in the writ petition is for issuance of a Writ of Certiorari, calling for the records of the order of the 1st Respondent in G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 published at page 879 of Part II Section 22 of the Tamilnadu Government Gazette No.51, dated 29.12.2010 and the consequential order of the 2nd respondent in 66000404780001304/C-18 (Adhoc)/INS/MEC/SRO/TLI dated 18.11.2014 to quash the same.



2. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that a Division Bench of the Principal Seat in **W.A.No.1233 of 2011 & batch, dated 09.06.2015**, has passed the following judgment:-

WEB COPY "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 Employees' State Insurance Act, 1948, would apply to educational institutions. Interim orders have been operating in the present matter.

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."

3. Since the issue involved in the present case is covered by the decision mentioned supra, this Writ Petition is disposed of in terms of the above judgment. Once the issue is decided by the Hon'ble Apex Court, the principle laid down therein is automatically applied to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To

1) The Principal Secretary,
Government of Tamilnadu,
Labour and Employment Department,
Fort St. George,
Chennai 600 009.

2) Employees State Insurance Corporation,
Rep. by its Deputy Director,
Sub-Regional Office,
Panchadeep Bhavan,
ESIC Complex,
Salai Street, Vannarpettai
Tirunelveli 627 003.

+1cc to Mr.R.JOSEPH THANKARAJ Advocate in SR. No. 77494

NBI