



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.09.2017
CORAM :
THE HONOURABLE MR.JUSTICE T.RAJA

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WP(MD)No.2284 of 2015
and
WMP(MD)Nos.1 and 2 of 2015

M/s.Venkateswara ITC,
GST Road, Thanakkandalam,
Madurai-625006.

... Petitioner

vs.

- 1)The Government of Tamilnadu,
rep by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai-600009.
- 2)The Employees' State Insurance Corporation,
Regional Corporation (Tamil Nadu),
rep. by its Regional Director,
143, Sterling Road, Chennai-600 034.
- 3)The Office of the Recovery Officer,
Sub-Regional Office, (Madurai), rep.
by its Recovery Officer, Employees'
State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai-625 020.
- 4)The Social Security Officer,
Employees' State Insurance Corporation,
Madurai, 2nd West Street,
K.K.Nagar, Madurai-625 020.
- 5)The Branch Manager,
Union Bank of India,
Tirunagar, Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, for 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 passed by the first respondent and the consequential proceedings of the 3rd respondent dated 15.09.2014 in Code No. 57/RRC/00/072528/000/1304/04/SRO/MDU/14 and quash the same in respect of the petitioner institute.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner : Ms.G.Thilakavathi



For R1 : Mr.R.Karthikeyan
Additional Government Pleader
For R2 to R4 : Mr.K.C.Ramalingam
For R5 : Mr.N.Dilip Kumar

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ORDER

The prayer in the writ petition is for 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 passed by the 1st respondent and the consequential proceedings of the 3rd respondent dated 15.09.2014 in Code No. 57/RRC/00/072528/000/1304/04/SRO/MDU/14 and quash the same in respect of the petitioner institute.

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:-

"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(Records)

/True Copy/

Sub Assistant Registrar

To

1)The Principal Secretary,
Government of Tamilnadu,
<https://hcservices.ecourts.gov.in/hcservices/>
Labour and Employment Department,
Fort St.George, Chennai-600009.



2) The Regional Director,
Employees' State Insurance Corporation,
Regional Corporation (Tamil Nadu), 8
143, Sterling Road, Chennai-600 034.

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3) The Recovery Officer,
Employees' State Insurance Corporation,
Office of the Recovery Officer,
Sub-Regional Office, (Madurai),
2nd West Street, K.K.Nagar,
Madurai-625 020.

4) The Social Security Officer,
Employees' State Insurance Corporation,
Madurai, 2nd West Street,
K.K.Nagar, Madurai-625 020.

+1cc to M/S.N.DILIP KUMAR, Advocate SR.No.77405
+1cc to M/S.K.C.RAMALINGAM, Advocate SR.No.77376
+1cc to M/S.G.THILAKAVATHI, Advocate SR.No.77911
+1cc to Special Government Pleader, SR.No. 77961

nbi

MAS/KP/SAR3:21.09.2017:3P-9C

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