



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.11552 of 2017

and

WMP(MD)Nos.8893 and 8894 of 2017

P.S.Ramasamy Telugu Minority
Educational and Charitable Trust,
Registered Trust bearing No.
No.9 E/1.N.P.S.NArumugam Road,
Sivakasi, Virdhunagar Dt,
Rep by its President
R.Solaisamy.

... Petitioner

vs.

1)The State of Tamil Nadu,
Rep by the Principal Secretary,
To Government,
Labour and Employment Department,
Fort St.George, Chennai-600 049.

2)The Director.
E.S.I. Corporation,
Sub Regional Office,
4th Street, K.K.Nagar,
Madurai.

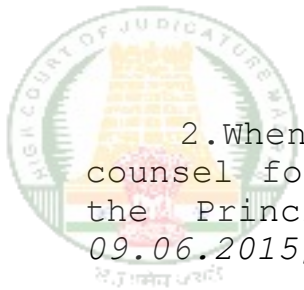
... Respondents

Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Certiorari, calling for the records
relating to G.O.Ms.No.237 Labour and Employment (K.1) Department
passed by the 1st respondent Quash the same.

For Petitioner	: Mr.A.Sivaji
For R1	: Mr.R.Karthikeyan
	Additional Government Pleader
For R2	: Mr.R.Ravindran

ORDER

The prayer in the writ petition is for issuance of a Writ of
Certiorari, calling for the records relating to G.O.Ms.No.237,
Labour and Employment (K.1) Department passed by the 1st respondent
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:-

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"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(C.O)

/True Copy/

Sub-Assistant Registrar

To

1) The Principal Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-600 049.

2) The Director.
E.S.I. Corporation,
Sub Regional Office,
4th Street, K.K.Nagar,
Madurai.

+One cc to Mr.R.Ravindran, Advocate, SR>No.77550

+One cc to The Special Government Pleader, SR.No.77959

nbi

RL/5C/2P/SV/MMS/SAR1/21/9/2017

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