



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.2281 and 2300 of 2017
and W.M.P.(MD) Nos.1871, 1872, 1892 and 1893 of 2017

W.P.No.2281/2017

M/S. PROVIDENCE CONVENT
MATRICULATION SCHOOL REP. BY ITS
CORRESPONDENT KEERANUR ROAD VIRALIMALAI
POST PUDUKKOTTAI - 621 316. ... Petitioner

Vs.

- 1 THE GOVERNMENT OF TAMIL NADU
REPRESENTED BY ITS PRINCIPAL SECRETARY
LABOUR AND EMPLOYMENT DEPARTMENT FORT ST.
GEORGE CHENNAI - 600 009.
- 2 EMPLOYEES STATE INSURANCE
CORPORATION REGIONAL CORPORATION (TAMIL
NADU) REPRESENTED BY ITS REGIONAL DIRECTOR
143 STERLING ROAD CHENNAI - 600 034.
- 3 EMPLOYEES STATE INSURANCE
CORPORATION SUB REGIONAL OFFICE (MADURAI)
REPRESENTED BY ITS DIRECTOR/DEPUTY DIRECTOR
2ND WEST STREET K.K.NAGAR MADURAI - 625 020.
- 4 THE SOCIAL SECURITY OFFICER/INSPECTOR
E.S.I. CORPORATION MADURAI - 625020. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue 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 1st respondent and the consequential proceedings of the 3rd respondent dated 21.12.2016 in No. 57000745740001302/1112016318/188/2016 and quash the same in respect of the petitioner school.

**W.P.No.2300/2017**

M/S.FUSCO'S MATRICULATION SCHOOL
 REP.BY ITS CORRESPONDENT 339 EASTERN 1ST
 CROSS ROAD ANNA NAGAR MADURAI-625 020

... Petitioner

WEB COPY

Vs.

- 1 THE GOVERNMENT OF TAMIL NADU
 REPRESENTED BY ITS PRINCIPAL SECRETARY
 LABOUR AND EMPLOYMENT DEPARTMENT FORT ST.
 GEORGE CHENNAI - 600 009.
- 2 EMPLOYEES STATE INSURANCE
 CORPORATION REGIONAL CORPORATION (TAMIL
 NADU) REPRESENTED BY ITS REGIONAL DIRECTOR
 143 STERLING ROAD CHENNAI - 600 034.
- 3 EMPLOYEES STATE INSURANCE
 CORPORATION SUB REGIONAL OFFICE (MADURAI)
 REPRESENTED BY ITS DIRECTOR/DEPUTY DIRECTOR
 2ND WEST STREET K.K.NAGAR MADURAI - 625 020.
- 4 THE SOCIAL SECURITY OFFICER/INSPECTOR
 E.S.I. CORPORATION MADURAI - 625020.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue 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 1st respondent and the consequential proceedings of the 3rd respondent dated 04.01.2017 in No. 57000711270001302/1212016312/542/16 and quash the same in respect of the petitioner school.

For Petitioner :Mr.V.John kennedy
 IN BOTH WPs.

For Respondents :Mr.A.K.Baskarapandian for R1
 IN BOTH WPs.
 Special Government Pleader
 Mr.K.C.Ramalingam for R2 TO R4
 IN BOTH WPs.

COMMON ORDER

The prayer made in these writ petitions is for 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 1st respondent and the consequential proceedings of the 3rd respondent dated 04.01.2017 in No. 57000711270001302/1212016312/542/16 and quash the same in respect of the petitioners' school.

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

2.Mr.A.K.Baskarapandian, Special Government Pleader,



accepts notice for the respondents 1 and 2 and Mr.K.C.Ramalingam, standing counsel, accepts notice for the respondents 3 and 4.

3.Since the issue raised in these writ petitions are one and the same, they are decided by this common order with the consent of the learned counsel appearing for both parties.

4. In view of the order passed by the Hon'ble First Bench of this Court in a batch of cases in W.A.No.918 of 2011 etc., batch dated 09.06.2015 and also following the said orders, number of writ petitions were allowed by this Court and one such order relied upon by the petitioner is in respect of W.P.(MD) No.8829 of 2016 dated 29.04.2016 in the matter of St.Antony's Matriculation Higher Secondary School v. Government of Tamil Nadu represented by the Principal Secretary, Labour and Employment Department and others, wherein, the learned Judge, after having considered the order passed by the First Bench of this Court in the order dated 09.06.2015 made in a batch of cases in W.A.No.1233/2011 etc., batch, has passed the following order:

"2.When this matter is taken up for hearing, the learned counsel for the petitioner would submit that a Division Bench of the Principal Bench of this Court 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, ie., 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.Heard the learned counsel for the respondents on the above submission made by the learned counsel for the petitioner.

4.Since the issue involved in the present case is covered by the decision mentioned supra, the writ petition is disposed of in terms of the above judgment. Once the issue is decided, the principle laid down therein shall automatically apply to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed."



5. In view of the said orders passed and number of writ petitions have already been allowed in the terms as indicated above, there shall be a similar order in these writ petitions also. Accordingly, these writ petitions are ordered in terms of the orders passed as referred to above. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Record)

/True Copy/

Sub Assistant Registrar

To

- 1 THE PRINCIPAL SECRETARY
THE GOVERNMENT OF TAMIL NADU
LABOUR AND EMPLOYMENT DEPARTMENT,
FORT ST.GEORGE CHENNAI - 600 009.
 - 2 THE REGIONAL DIRECTOR
EMPLOYEES STATE INSURANCE
CORPORATION REGIONAL CORPORATION (TAMIL NADU)
143, STERLING ROAD, CHENNAI - 600 034.
 - 3 THE DIRECTOR/DEPUTY DIRECTOR
EMPLOYEES STATE INSURANCE
CORPORATION SUB REGIONAL OFFICE (MADURAI)
2ND WEST STREET K.K.NAGAR MADURAI - 625 020.
 - 4 THE SOCIAL SECURITY OFFICER/INSPECTOR
E.S.I. CORPORATION MADURAI - 625020.
- +2cc to Mr.V.John Kennedy, Advocate SR.No.7474 & 7473
+2cc to Mr.K.C.Ramalingam, Advocate SR.No.7549 & 7548
+1cc to Special Government Pleader, Sr.No. 7934

RR

SM:BS-MR:24.02.2017:4p/10c

W.P. (MD) Nos.2281 and 2300 of 2017
and W.M.P. (MD) Nos.1871, 1872, 1892 and 1893 of 2017
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