



WEB COPY

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

WP(MD)No.490 of 2017
and
WMP(MD)Nos.396 and 397 of 2017

The Secretary,
Fatima College (Autonomous)
Mary Land, Madurai-625 018,
Madurai District.

... Petitioner

vs.

1)The State of Tamil Nadu,
Rep by its Secretary,
Labour and Employment Department,
Fort St.George, Chennai-9.

2)The Employees State Insurance Corporation,
Rep. by its Regional Director,
No.143, Sterling Road,
Nungambakkam, Chennai-600 034.

3)The Employees State Insurance Corporation,
Rep. by its Deputy Director,
No.143, Sterling Road,
Nungambakkam, Chennai-600 034.

4)The Deputy Director and
Additional Commissioner
Sub-Regional Office(Madurai)
ESI Corporation, 2nd West Street,
K.K.Nagar,
Madurai District-625 020.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent State Government in G.O(Ms).No.237 Labour and Employment (K1) dated 26.11.2010 and the consequential proceedings issued by the 4th respondent Deputy Director vide letter dated 12.03.2011, quash the same.

For Petitioner

For R1

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

For R2 to R4

: Ms.A.Amala for Mr.T.Cibi Chakraborty

: Mr.R.Karthikeyan

Additional Government Pleader

: Mr.K.C.Ramalingam

ORDER

The prayer in the writ petition is for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent State Government in G.O(Ms).No.237 Labour and Employment (K1) dated 26.11.2010 and the consequential proceedings issued by the 4th respondent Deputy Director vide letter dated 12.03.2011, 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:-

"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(AE)

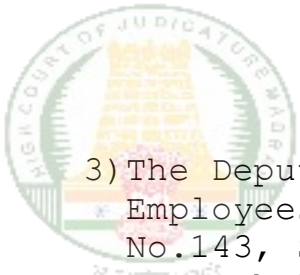
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Sub Assistant Registrar

To

1) The Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-9.

2) The Regional Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai-600 034.



3) The Deputy Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
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4) The Deputy Director and
Additional Commissioner
Sub-Regional Office (Madurai)
ESI Corporation, 2nd West Street,
K.K.Nagar,
Madurai District-625 020.

+1cc to M/S.ISAC CHAMBERS, Advocate SR.No.77543

+1cc to M/S.K.C.RAMALINGAM, Advocate SR.No.77378

nbi

MAS/KK/SAR2:19.09.2017:3P-7C

WP (MD) No.490 of 2017
07.09.2017 (1/2)