

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.09.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA**WP (MD) No.9986 of 2016****and****WMP (MD) No.7871 of 2016**

M/s Nadar Mahajana Sangam
S.Vellaichamy Nadar College,
Represented by its Secretary &
Correspondent A.T.B.Bose,
Nagamalai Pudukottai,
Maduraoi-625016.

... Petitioner

vs.

1)The Government of Tamilnadu,
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai-600009.

2)Employees State Insurance Corporation.
Sub Regional Office, Madurai
Represented by its Director
2nd West Street, K.K.Nagar,
Madurai-625020.

3)Employees State Insurance Corporation
Sub Regional Office, Madurai,
Represented by its Deputy Director
2nd West Street, K.K.Nagar,
Madurai-625020.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining the to the impugned G.O(MS)No.237 Labour and Employment (K1)dated 26.11.2010 passed by 1st respondent and the consequential impugned C-11 notice of the 3rd respondent dated 11.11.2014 and the C-18 adhoc notice of the 3rd respondent dated 04.12.2015 in No.57000741720001303/12420151256/INS-II/804/15, and quash the same in respect of the petitioner college.

For Petitioner

: Mr.G.Arunachalam

For R1

: Mr.R.Karthikeyan

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

Additional Government Pleader

For R2 & R3

: Mr.P.Ganapathisamy

**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 1st respondent and the consequential impugned C-11 notice of the 3rd respondent dated 11.11.2014 and the C-18 adhoc notice of the 3rd respondent dated 04.12.2015 in No.57000741720001303/12420151256/INS-II/804/15, and quash the same in respect of the petitioner college.

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 petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1) The Principal Secretary,
Government of Tamilnadu,
Labour and Employment Department,
Fort St. George, Chennai-600009.

2) The Director,
Employees State Insurance Corporation.
Sub Regional Office, Madurai
2nd West Street, K.K.Nagar,
Madurai-625020.

3) The Deputy Director,
Employees State Insurance Corporation
Sub Regional Office, Madurai,
2nd West Street, K.K.Nagar,
Madurai-625020.

+1cc to M/S. P.GANAPATHISAMY, Advocate, SR.No.77552.

+1cc to M/S. G.ARUNACHALAM, Advocate, SR.No.77176.

WP (MD) No.9986 of 2016
07.09.2017

nbi

SDS/JC/SAR 1/20.09.2017/3P/6C