

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.1691 of 2017

M/s. Sri Ragavendra Polytechnic College
rep. by its Chairman K.Thangavelu
New Pallipalayam Road
Rotary Nagar
B.Komarapalayam
Namakkal District 638 183. ... Appellant/Petitioner

Vs.

Deputy Director
Employees' State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam
Three Roads
Salem 636 009. ... Respondent/Respondent

Appeal under Clause 15 of Letters Patent directed against the order dated 28.8.2017 made in W.P.No.41028 of 2016 on the file of this Court, to call for the records (as amended) by the respondent in No.63000943520001304/INS/SRO/SLM/469/15, No.63000943520001304/INS/SRO/SLM pertaining to the impugned orders issued under section 45A of the EST ActM/470/15 & No.63000943520001304/INS/SRO/SLM/471/15 dated 24.10.2016 respectively.

For Appellant : Mr.L.Chandrakumar
For Mr.R.Marudhachalamurthy

For Respondent : Mr.S.P.Srinivasan

J U D G M E N T
(Made by Huluvadi G.Ramesh, J)

The writ appeal has been directed against the order of the learned single Judge dated 28.8.2017 made in W.P.No.41028 of 2016 on the file of this Court.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the appellant and Mr.S.P.Srinivasan, learned counsel appearing for the respondent.

3. This Court disposed of W.A.No.608 of 2017, which is an identical case, by judgment dated 06.7.2017, taking note of the ratio laid down by the Apex Court in Special Leave Petition No.28285 of 2009, by order dated 15.3.2016, that private educational institutions are also bound to pay the employee state insurance contribution. Thus, this writ appeal is also disposed of in terms of W.A.No.608 of 2017.

4. However, it is submitted by the learned counsel for the appellant that the matter has been referred to Larger Bench. But, the learned counsel for the respondent submitted that the matter referred to the Larger Bench was with respect to industrial disputes and not with respect of Employees State Insurance contribution.

5. In view of the above, this writ appeal is disposed of. There shall be no order as to costs. Consequently, CMP No.21763 of 2017 is closed.

Sd/--

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kpl
To

Deputy Director
Employees' State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam
Three Roads
Salem 636 009.

+lcc to Mr.R.Marudhachalamurthy, Advocate Sr.No.4667
+lcc to Mr.S.P.Srinivasan, Advocate SR.No.4345

GJII(CO)
sm:20.2.2018

W.A.No.1691 of 2017