

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.4.2018
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.418 of 2018
and
C.M.P.No.3600 of 2018

Hindusthan College of Arts & Science,
rep. by its Executive Trustee and

Secretary K.Priya
Hindustan Gardens,
(Behind Nava India)
Avinashi Road,
Coimbatore 641 028.

...Appellant/Petitioner

Versus

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The E.S.I. Regional Corporation,
rep. by its Regional Director,
143, Sterling Road,
Chennai 600 034.

3. The E.S.I. Sub Regional Officer,
rep. by its Deputy Director,
1897, Trichy Road,
Ramanathapuram, Coimbatore 641 045. ...Respondents/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 5.12.2017 passed in W.P.No.31463 of 2017
on the file of this court.

W.P.No.31463 of 2017:

Petition is filed under Article 226 of the constitution of
India, praying 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 the 1st Respondent
and the consequential proceedings of the 3rd respondent in Ref.
No.56001107680001303/ CP/233285 CK41838 dated 31.10.2017 and
quash the same.

For appellant : Mr.A.Panneerselvam
For R1 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the first respondent.

2. The matter relates to coverage of educational institutions within the ambit of the Employees State Insurance Act, 1948. The writ appeal has been filed by the writ petitioner-College, challenging the order passed by the learned Single Judge whereby the learned Single Judge dismissed the writ petition by holding that the educational institutions are also coming within the ambit of the said Act and directed the appellant-institution to pay the entire arrears of contributions in twelve equal instalments.

3. When the writ appeal was taken up for hearing, it is brought to the notice of this court that the issue is no longer res integra in view of the decision of the Honourable Supreme Court following which this Bench had already, in a similar situation in W.A.No.1308 of 2017, has held by judgment dated 26.10.2017 that the institution concerned is bound to pay the Employee State Insurance contribution. Further, in the present case, the learned Single Judge has also dealt with the arrears of contribution to be paid in twelve equal instalments. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. The appellant-institution shall pay the arrears of contribution in twelve equal monthly instalments and shall continue to pay the ESI contribution on regular basis from the ensuing month. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Principal Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Regional Director, E.S.I. Regional Corporation,
143, Sterling Road,
Chennai 600 034.
3. The E.S.I. Sub Regional Officer,
rep. by its Deputy Director,
1897, Trichy Road,
Ramanathapuram, Coimbatore 641 045.

+1 CC to Mr.S. Gunalan, Advocate sr 24232.
+1 CC to Govt. Pleader sr 24620.

W.A.No.418 of 2018

VGII (CO)
SP (03/05/2018)



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