

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.34339 of 2017 & W.M.P. Nos. 38193 and 38194 of 2017

Saraswathi Ramachandra Matriculation

Higher Secondary School

represented by its Principal

M. Bhagyalakshmi

W/o P.M. Palaniswamy

216, SRV School Street

Edayarpalayam Road

Kuniamuthur PO

Coimbatore 641 008

Petitioner

vs.

1 The State of Tamil Nadu

represented by its Principal Secretary to Government

Labour and Employment Department

Secretariat

Fort St. George

Chennai 600 009

2 The E.S.I. Regional Corporation

represented by its Regional Director

143 Sterling Road

Chennai 600 034

3 The E.S.I. - Sub Regional Officer

represented by its Deputy Director

1897, Trichy Road

Ramanathapuram

Coimbatore 641 045

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the impugned G.O. Ms.No.237, Labour & Employment Department (K1) Department dated 26.11.2010 passed by the first respondent and the consequential proceedings of the third respondent in Ref.No.56001143950001303/INS IV/CBE dated 09.08.2017 and to quash the same.

For petitioner Mr. S. Gunalan
For R1 Mr. V. Jayaprakash Narayanan
 Special Government Pleader

ORDER

This writ petition has been filed primarily questioning the correctness and validity of G.O.Ms.No.237, Labour and Employment (K1) dated 26.11.2010 passed by the first respondent and the consequential proceedings dated 09.08.2017 of the third respondent on the ground that educational institutions do not come under the ambit of the Employees' State Insurance Act (for short "the Act").

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent.

3. Admittedly, the issue raised in this writ petition is no longer res integra, since this Court, in W.P. Nos.25752, 25744 and 26031 of 2017, on 09.10.2017, has held that educational institutions also are coming under the ambit of the Act, thereby, refusing to grant the prayer sought in those writ petitions.

In view of the aforesaid order dated 09.10.2017 passed by this Court, this writ petition also fails and is accordingly dismissed. It is made clear that the petitioner shall pay the entire arrears of contributions in twelve equal instalments with the first instalment commencing from the first week of February 2018. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cad

To

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

2 The Regional Director
E.S.I. Regional Corporation
143 Sterling Road
Chennai 600 034

3 The Deputy Director
The E.S.I. - Sub Regional Officer
1897, Trichy Road
Ramanathapuram
Coimbatore 641 045

+1cc to Mr.S. Gunalan, Advocate, S.R.No.976.

kan (CO)
sk (03/02/2018)

W.P. No.34339 of 2017

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