

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 14-06-2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.868 OF 2018

Usha Latchumanan College of Education
run by SMG Anjalai Ammal Educational
Society (Registration No.195/1993),
represented by its Correspondent
M.Latchumanan

....Appellant /Petitioner

vs

The Deputy Director/
Regional Officer,
Employees State Insurance Corporation Ltd.,
No.178, Ansari Duraisamy Nagar,
100 Feet Road,
Puducherry - 605 004.

.... Respondent/ Respondent

Appeal under Clause 15 of the Letters Patent against
the order, dated 05.03.2018, passed in W.P.No.4910 of 2018, on
the file of this Court.

WP.No.4910 of 2018

Petition is filed under Article 226 of the constitution of
India, praying for issuance of a writ of certiorari to call for
the records relating to the impugned claim proceedings vide
No.55-00-042361-000-1302/C18(Adhoc) dated 29.01.2018 issued by
the respondent and quash the same.

For appellant : Mr.S.Gajendran

JUDGMENT

(Judgment of the Court was delivered by M.Dhandapani,J.)

Appellant/writ petitioner had filed the Writ Petition,
challenging the proceedings of the respondent vide No.55-00-

04231-000-1302/C18 (Adhoc), dated 29.01.2018, in and by which, it was directed to pay E.S.I. Contribution.

2. The case of the appellant is that it being an educational institution is not covered under the Employees State Insurance Act.

3. In fact, the very same issue is covered by a Division Bench decision of the High Court of Kerala in Kerala Unaided School Managers' Association v. State of Kerala & Others by an order, dated 03.07.2009, passed in W.P.No.20279 of 2008, wherein, it has been held that educational institutions are also bound to pay E.S.I. Contribution, as against which, a Special Leave Petition in S.L.P.No.28285 of 2009 and other connected matters have been filed on the file of the Supreme Court and the same got dismissed by an order, dated 15.03.2016, in the following terms :

"Heard the learned counsel for the parties and perused the relevant material.

2. We don not find any legal and valid ground for interference. The Special Leave Petitions are dismissed.

3. As a sequel to the above, all pending interlocutory applications are disposed of."

4. In view of the same, the order passed by the learned single Judge, which is impugned in this appeal, is in accordance with the settled proposition of law declared by the Supreme Court. In a similar situation, a Special Leave Petition has been preferred on the file of the Supreme Court as against the order of a Division Bench of this Court, which, according to the learned counsel for the appellant, is pending.

5. What may, once the question is clarified by the Supreme Court by dismissal of the Special Leave Petition preferred against the order of a Division Bench of the Kerala High Court, directing the educational institutions to pay E.S.I.Contribution in instalments, nothing survives for consideration in this Writ Appeal, which, is, accordingly, dismissed. No costs. Consequently, the connected C.M.P.No.7661 of 2018 also stands dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dixit

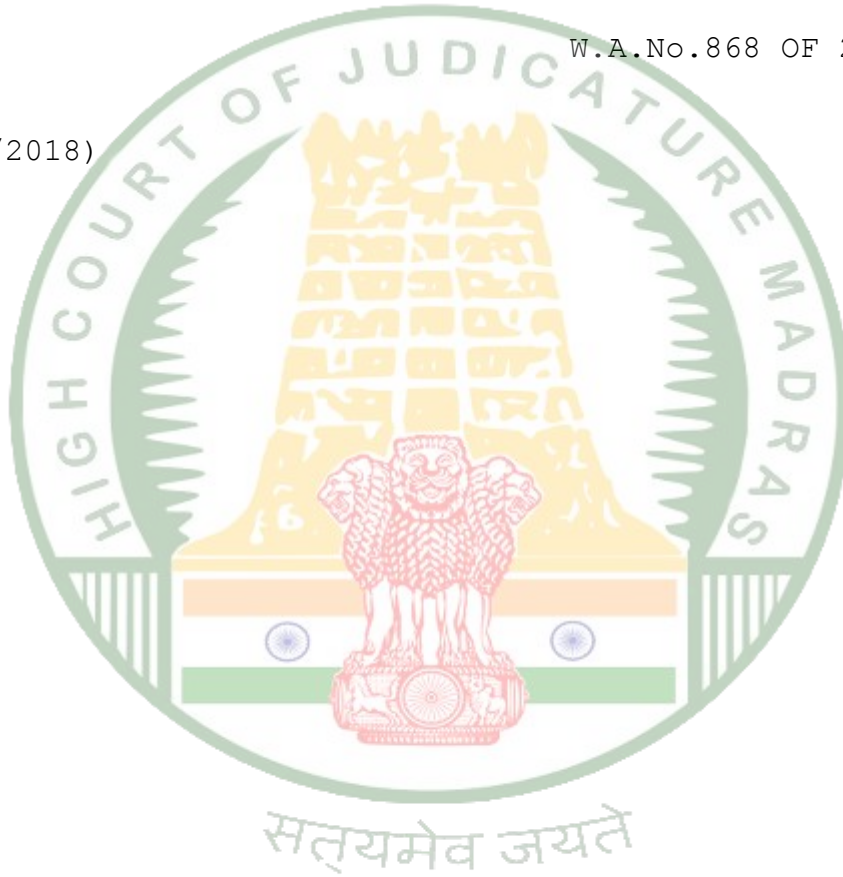
To

The Deputy Director/
Regional Officer,
Employees State Insurance Corporation Ltd.,
No.178, Ansari Duraisamy Nagar,
100 Feet Road,
Puducherry - 605 004.

+1cc to Mr.S.Gajendran, Advocate, S.R.No.37626

W.A.No.868 OF 2018

NMI (CO)
GSP (27/07/2018)



WEB COPY