



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) No.6173 of 2016

M/s.Amala Pethannal Middle School,
Amala Street,
Thirunagar, Madurai -6.
represented by its Correspondent,
Sister Antony

... Petitioner

Vs.

1. State of Tamil Nadu
represented by its
Principal Secretary,
Labour and Employment Department,
Fort Saint George, Chennai-9.
2. The Employees State Insurance Corporation,
Regional Office (Tamilnadu),
represented by its Regional Director,
143, Sterling Road,
Chennai-34.
3. The Employees State Insurance Corporation,
Sub Regional Office,
Madurai,
represented by its Deputy Director,
Second West Street, K.K.Nagar,
Madurai.-20.

... Respondents

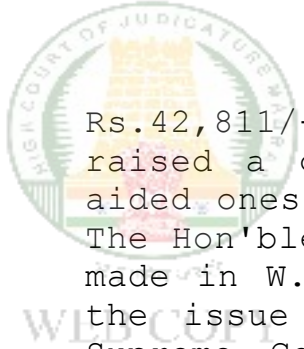
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the third respondent notice No.57000739520001302/111320151046/767/15 dated 13/11/2015 and quash the same.

For petitioner	: Mr.S.Jeyasingh
For R1	: Mr.Gunaseelan Muthiah Additional Public Prosecutor
For R2 & R3	: Mr.K.C.Ramalingam

O R D E R

Heard, the learned counsels on either side.

2.The petitioner is an aided educational institution. The
<https://heservices.acourts.gov.in/heservices/>
third respondent has issued the impugned notice dated 13.11.2015
calling upon the petitioner to show cause as to why the sum of



Rs.42,811/- cannot be levied as a contribution. The petitioner has raised a ground that educational institutions, particularly the aided ones are not covered by the provisions of E.S.I. Act, 1948. The Hon'ble Division Bench of this Court by order dated 16.06.2015 made in W.A.Nos.918 of 2013 and etc., batch, has held that since the issue is pending before the Larger Bench of the Hon'ble Supreme Court, the parties can await the outcome of the said decision.

3.It was also made clear that the interim order granted would continue till the disposal by the Hon'ble Supreme Court. Though, in this case, no interim orders were granted, this writ petition is disposed of with a direction that the parties shall be bound by the decision to be taken by the Larger Bench of the Hon'ble Supreme Court on the issue.

4.This writ petition is disposed of accordingly. No costs.
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Principal Secretary,
Labour and Employment Department,
Fort Saint George,
Chennai-9.

+1cc to Mr.S.Jeyasingh, Advocate SR.No.47130
+1cc to The Spl.Government Pleader Sr.No.47200

PNN

VB/GT/SAR4/15/03/2018/2P/4C

ORDER MADE IN
W.P. (MD) No.6173 of 2016
07.02.2018