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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 277 of 2013
And
M.P.No. 1 of 2013

Tamil Nadu Self Financing College of Education Management
Association,
Rep. by its Secretary,
Mr.S.Vijayakumar
Old No.7, New No.11, 3rd Cross Street,
West C.I.T.Nagar, Chennai - 600 035.

... Appellant/Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Labour and Employment Department
Fort St. George
Chennai - 600 009.
2. Employees' State Insurance Corporation
Rep. by its Regional Director,
"Panchdeep", Sterling Road
Nungambakkam,
Chennai - 600 034.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed by this Court in W.P.No. 5257 of 2011 dated
14.03.2011.

Prayer in W.P.No.5257 of 2011:

Writ Petition filed under Article 226 of the Constitution of
India praying for the issue of a Writ of Certiorari to Call for
the records in respect of the impugned notification issued by
the 1st respondent in G.O.Ms.No.237 Labour and Employment (K1)
Department dated 26.11.2010 as published in the Tamil Nadu
Govt.Gazette No.51 dated 20.12.2010 in Part-II Section II and
quash the same.



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For Appellant : Mr. V.R.Kamalanathan
For R 1 : Mr. A.N.Thambidurai
Special Government Pleader
For R2 : Mr. S.Jayakumar

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J)

The learned counsel for the appellant submitted that a reference has been made by the 5 Judges Bench of the Hon'ble Supreme Court in the case of State of U.P. Vs. Jai Bir Singh reported in (2005) 5 SCC 1 for reconsideration of the Judgment of the Hon'ble Supreme Court in the case of Bangalor Water Supply reported in 1978 (2) SCC 213. It is submitted that and the said matter is still pending before the larger Bench of the Hon'ble Supreme Court of India.

2. A Co-ordinate Bench of this Court in the case of Tamilnadu Nursery Primary Matriculation and Higher Secondary Schools Managements Association Vs. State of Tamil Nadu and Employees' State Insurance Corporation in W.A.Nos. 918 of 2013 etc., batch has passed the following order on 16.06.2015:-

"2. In view of the aforesaid position, the Writ Appeals and the Writ Petitions are disposed of by agreement that the interim orders would continue till the disposal of the matter by the Honourable Supreme Court and the parties would naturally remain bound by the legal position enunciated by the Honourable Supreme Court on such decision being rendered. No costs. Consequently, connected Miscellaneous Petitions are closed."

3. In view of the aforesaid reasons, the present Writ Appeal is disposed of on the same terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To

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1. The Principal Secretary to Government
The State of Tamil Nadu
Labour and Employment Department
Fort St. George
Chennai - 600 009.
2. The Regional Director
Employees' State Insurance Corporation
"Panchdeep", Sterling Road
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.V.Balaji, Advocate Sr.61446
+1cc to the Government Pleader Sr.61952

W.A.No. 277 of 2013
And
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ev[co]
srg 21/08/2019