



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

C O R A M

WEB COPY

**THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU**

W.P(MD) No.8526 of 2017

and

W.M.P(MD) Nos.6498 and 6499 of 2017

M/s.Oxford Engineering College,  
Represented by its Chairman & Managing Trustee,  
M.Subramanian  
Dindigul Road,  
Piratiyur,  
Trichy District-620 009.

... Petitioner

Vs.

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,  
No.39/57, Three Roads,  
Salem-636 009.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the constitution of India, to issue 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 1<sup>st</sup> respondent and the consequential orders of the 3<sup>rd</sup> respondent in 63000951370001304/MEC/SRO/SLM/28/16 dated 13.10.2016 an amount of Rs.1,12,613/- 63000951370001304/MEC/SRO/SLM/29/16 dated 13.10.2016 an amount of Rs.2,70,270/- 63000951370001304/MEC/SRO/SLM/30/16 dated 13.10.2016 an amount of Rs.2,70,270/- and 63000951370001304/MEC/SRO/SLM/31/16 dated 13.10.2016 an amount of Rs.5,18,018/- directed the petitioner to remit the contributions taking a total of Rs.11,71,171/- and to quash the same.

For Petitioner : No appearance

For R1 : Mr.M.Jayakumar

Additional Government Pleader



For R2 and R3 : Mr.R.Ravindran

**ORDER**

Heard Mr.M.Jayakumar, Learned Additional Government Pleader for the First Respondent and Mr.R.Ravindran, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner when the matter is called.

3. The Petitioner, which is a unaided private educational institution, has challenged the notification in G.O.(Ms)No.237, Labour and Employment (K1) Department dated 26.11.2010 issued under Section 1(5) of the Employees' State Insurance Act, 1948 (hereinafter referred to as 'ESI Act' for short) in which educational institutions in the State of Tamil Nadu have been brought within the purview of that enactment and the consequential orders passed under Section 45A of the ESI Act determining the liability of the Petitioner for the period from 01.11.2011 to 29.02.2016. The Full Bench of this Court in **All India Private Educational Institutions Association -vs- State of Tamil Nadu** [2020 (5) CTC 93] has upheld the validity of the aforesaid notification making the provisions of the ESI Act applicable to the unaided private educational institutions in the State of Tamil Nadu and as such, the challenge to the same raised by the Petitioner cannot be sustained. Insofar as the consequential orders assessing the liability of the Petitioner for dues payable for the period from 01.11.2011 to 29.02.2016 is concerned, the Petitioner is not precluded from availing the remedy under Section 75 of the ESI Act before the ESI Court to work out its rights in that regard. It is made clear that for the purpose of computation of limitation in filing such application, the period from the date of filing of this Writ Petition i.e., 26.04.2017 till the date on which the certified copy of this order is made ready by the Registry shall be excluded.

4. In the result, the Writ Petition is dismissed with the aforesaid clarification. Consequently, connected miscellaneous petitions are closed. No costs.

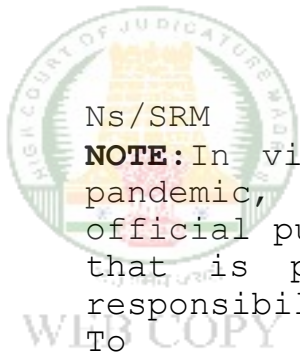
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Ns/SRM

**NOTE:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal Secretary to Government,  
Labour and Employment Department,  
Secretariat, Fort St. George,  
Chennai-600 009.

Copy to:

M.Subramanian,  
Chairman & Managing Trustee,  
M/s.Oxford Engineering College,  
Dindigul Road,  
Piratiyur,  
Trichy District-620 009.

+1 CC to M/s.SPL GP ( SR-17765[F] dated 27/04/2021 )

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RK(12.05.2021) 3P 4C