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W.P.Nos.25041 and 25042 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25041 and 25042 of 2017

And

W.M.P.Nos.26442 and 26444 of 2017

Tamil Nadu TASMAL Paniyalargal Sangam
Represented by its State Secretary
Mr.D.Dhanasekaran ... Petitioner in both the W.Ps.

Vs.

- 1.The Secretary to Government,
Labour and Employment (L1) Department,
Fort St.George,
Chennai – 600 009.
- 2.Employees' State Insurance Corporation,
Represented by its Regional Director,
Tamil Nadu Region,
No.143, Sterling Road,
Chennai – 600 034.
- 3.Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Rep. by its Managing Director,
CMDA Tower – II, 4th Floor,
Gandhi Irwin Bridge Road,
Egmore,
Chennai – 600 008. ... Respondent in both the W.Ps.

Prayer in W.P.No.25041 of 2017:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with the impugned Government Order in G.O.(3D) No.9, Labour and Employment (L1) Department, dated 30.09.2016 and quash the same and consequently, direct the respondents to provide facilities available under the Employees' State Insurance Act to the employees of TASMAC.

Prayer in W.P.No.25042 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with the impugned Government Order in G.O.(D) No.526, Labour and Employment (L1) Department, dated 30.09.2015 and quash the same and consequently, direct the respondents to provide facilities available under the Employees' State Insurance Act to the employees of TASMAC.

For Petitioner : Mr.M.Padmanaban

For Respondents : Mr.M.S.Prem Kumar for R1
Government Advocate



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Mr.V.Ramachandramurthy for R2
Mr.K.Sathish Kumar for R3

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COMMON ORDER

These writ petitions have been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with the impugned Government Orders in G.O.(3D) No.9, Labour and Employment (L1) Department, dated 30.09.2016 and G.O.(D) No.526, Labour and Employment (L1) Department, dated 30.09.2015 respectively and to quash the same and consequently, direct the respondents to provide facilities available under the Employees' State Insurance Act to the employees of TASMAC.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.Though these writ petitions have been filed seeking a larger relief, the learned counsel appearing for the petitioner now submitted that the TASMAC Management repeatedly make application for exemption from coverage of Employees' State Insurance Act to the



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State Government and the State Government is granting exemption.

Hence, this Court may grant liberty to the petitioner to make objection before the State Government if any application for exemption from

coverage of Employees' State Insurance Act is made by the TASMAC Management to the State Government in future.

4.Considering the submission made by the learned counsel appearing for the petitioner, this Court grants liberty to the petitioner to make objection before the State Government if any application for exemption from coverage of Employees' State Insurance Act is made by the TASMAC Management to the State Government in future. If any such objection is made by the petitioner, the State Government shall hear the petitioner and the TASMAC Management and shall pass appropriate orders.

5.With the above observation, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.



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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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