



W.P.(MD)No.7874 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.7874 of 2019 &
W.M.P.(MD)Nos.6231 & 6232 of 2019

St.Joseph's Matriculation School,
Rep. by its Correspondent,
Rev. Sr. L. Maria Arockiam,
Behind R.C.Church, Thiru Vi Ka Road,
Chinnalapatti, Dindigul District - 624 301.

...Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.

2.Employees' State Insurance Corporation,
Regional Corporation (Tamil Nadu)
Represented by its Regional Director,
143, Sterling Road, Chennai - 600 034.

3.Employees' State Insurance Corporation,
Sub-Regional Office, Represented by its Deputy Director,
E.S.I. Corporation, 2nd West Street, K.K.Nagar,
Madurai - 625 020.

4.The Recovery Officer,
E.S.I. Corporation,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

...Respondents



W.P.(MD)No.7874 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying 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 first respondent and the consequential proceedings of the third respondent dated 25.01.2019 in No.SRO/MDU/RRC/57/75282/1301 and dated 13.03.2019 in Code No. 57000752820001301/31320191256/INS.III1015/18 and quash the same in respect of the petitioner School.

For Petitioner : Fr.V.John Kennedy
for M/s.Father Xavier Associates

For Respondents : Mr.P.Thambidurai,
Government Advocate for R1

No appearance for R2 to R4

ORDER

This writ petition is filed by the petitioner School to quash the impugned G.O.(MS)No.237, Labour and Employment (K1) dated 26.11.2010 passed by the first respondent and the consequential proceedings of the third respondent dated 25.01.2019 in No.SRO/MDU/RRC/57/75282/1301 and dated 13.03.2019 in Code No. 57000752820001301/31320191256/INS.III1015/18 in respect of the petitioner School.



W.P.(MD)No.7874 of 2019

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2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner School would submit that the issue in the present Writ Petition is squarely covered by the Judgment of the Hon'ble Full Bench of this Court rendered in *All India Private Educational Institutions Association vs. State of Tamil Nadu and another* reported in (2020) 5 CTC 93 (FB) dated 29.07.2020. By referring the Paragraph No. 138 of the above Judgement, the learned counsel would submit that the Writ Petition can be disposed by granting liberty to the petitioner School to make representation for waiver in terms of Section 91C of the Employees' State Insurance Act.

3. The Paragraph No.138 of the Hon'ble Full Bench Judgement is extracted hereunder.

"138. We, thus, strongly recommend that the provisions of Section 91C be applied in letter and spirit by the Corporation in considering the case for reduction/waiver of pending arrears, if and when made by the Educational Institutions. Such requests, if and when made, shall be considered by the Corporation in line with the object and spirit of Section 91C, particularly in the light of the present economic conditions."



W.P.(MD)No.7874 of 2019

WEB COPY

4. Considering the submissions and since the issue in this Writ Petition is squarely covered by the order passed by the Hon'ble Full Bench, this Writ Petition is disposed of by granting liberty to the petitioner School to make fresh representation to the respondents for waiver in terms of 91C of the Employees' State Insurance Act within a period of two weeks from the date of receipt of a copy of this order and the same shall be considered by the respondents in accordance with law and in line with the Judgement of the Hon'ble Full Bench within a period of four weeks from the date of fresh representation. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.12.2024

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

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



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W.P.(MD)No.7874 of 2019

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.7874 of 2019

12.12.2024