

IN THE HIGH COURT OF KERALA AT ERMA
PRESENT

THE HONOURABLE JUSTICE N. NAG

Thursday, the 15th day of October 2020/23rd Aswina, 1942

WP(C) No. 21055/2020 (F)

PETITIONERS

1. AKSHAY KRISHNAN, A [REDACTED]
KATTILKADAVU P.O., KOLLAN.
2. KRISHNENDHU I. [REDACTED]

RESPONDENTS

1. EMPLOYEES STATE INSURANCE CO. OFFICE,
REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS OFFICE,
PANCHADEEP BMA FAN, NEU DELHI -1 /8 602.
2. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY OF LABOUR AND EMPLOYMENT, SOCIAL
SECURITY DIVISION, SHRI SAKTHI BHAVAN, RAJ MARG, NEU DELHI -11B 681.
3. DIRECTOR GENERAL OF HEALTH SERVICES,
MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA,
NIRMAN BHAVAN, NEU DELHI -118 681.
4. MATZOMAL MEDICAL CONSTRUCTION,
(ERSTWILE NCI) REPRESENTED BY ITS SECRETARY, POCKET 14, SECTOR-18,
DNARAKA, PHASE-1, NEU DELHI 116 677.

The petitioner (civil) praying inter alia that on the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay and further proceedings pursuant to Exhibits P1 and P2 forthwith, pending disposal of the said Petition.

The petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of N/S. C. UNNIXASMAN (KOLLAN), with CHANDRAN & SOH as co-counsel, Advocates for the petitioner, SR. T.V. A3AYAKUMAR, *For R1, SRZ. JAZSNANKAR V. NAZR,* Central Government Counsel for Respondent and of SR. TITUS NANZ VETTON, Standing Counsel for the R4, the court passed the following:

No N AQ_{SS}H, J.

WP(C) No. 21055 of 2020

Dated this the 15th day of October, 2020

ORDER

Based on Ext.PS judgment of the Division Bench of the Hon'ble High Court Of Madras, the learned counsel for the petitioner submits that 20% reservation for the Wards of the Insured Persons should continue. The learned Standing Counsel for ESI Corporation on the other hand submits that Ext.P5 should be treated as confining to the year 2019 admissions only and Ext.P3 judgment is in operation.

2. I have perused Ext.PS judgment. The Division Bench of the Hon'ble High Court of Madras has decided the issue involved in the Writ Appeal based on the submission made by ESI Corporation through the Additional Solicitor General of India. Prima facie, what is stated in Ext.P5 cannot be treated as for the academic year 2019 alone.


3. The learned Standing Counsel further submitted that a clarification petition has been filed by the ESI Corporation in the said Writ Appeal and orders are awaited.

4. In the facts of the case, this Court is of the opinion that if an interim order is not passed, the reservation benefits due to the Wards of Insured Persons which were in existence hitherto, will be denied. In the circumstances, there will be an interim stay on all further proceedings pursuant to Exts.P1 and P2. It is made clear that the respondents may bring up this writ petition in case the Division Bench of the Hon'ble High Court of Madras gives any clarification/passes any order in this regard.

ncd

N. NAGARESH, JUDGE

/True copy/


Assistant Registrar

15/10/20

EXHIBIT P1 - A TRUE COPY OF THE NOTICE CIO. L - 11/12/3/UG -ADD . /2026-21/NEC
DATED 28. 09. 2020 ISSUED BY THE 1ST RESPONDENT .

EXHIBIT P2 - A TRUE COPY OF THE NO. L-11/ 12/3/UG- Aax . /zoze-2z/NEC
DATED 30. 09. 2020 ISSUED BY THE 1ST RESPONDENT.

**EXHIBIT P3 - A TRUE COPY OF THE COMMON ORDER DATED 07.06.2019 OF THE HON'BLE
MADRAS HIGH COURT**

**EXHIBIT P5 - A TRUE COPY OF THE JUDGMENT DATED 06. 06. 2019 IN I.A NO. 2274 &
2304 OF 2019 OF HON ' BLE MADRAS HIGH COURT**