



WEB COPY

WP No. 27616 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 27616 of 2026

and

WMP NO. 30273 OF 2026

M/s. Bharath Man Power Agency
Rep. by its proprietor Abubakkar,
No.5 Melapalayampattai pattai,
Cuddalore, Panruti 607 106

..Petitioner(s)

Vs

1. The Deputy Director
ESI Corporation,
143 Sterling Road, Nungambakkam,
Chennai 34.
2. The Recovery officer
ESI Corporation,
143 Sterling Road, Nungambakkam,
Chennai 34.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus to call for the records of the Principal Labour court Chennai in I.A.No. 1 of 2026 in O.P. Sr No. 128/ 2026 and quash the same its order dated 17.04.2026 and consequently direct the Principal Labour court to restore I.A. No. 1 of 2026 O.P. Sr No. 128/ 2026.

For Petitioner(s): Mr.Ananda Gopalan for Mr.RG.Babu Rajendran

For Respondent(s): Mr.G.Narmadha for R1 and R2



ORDER

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This Writ Petition has been filed challenging the order dated 17.04.2026 passed in I.A.No.1 of 2026 in O.P.(ESI).S.R.No.128 of 2026 by the Principal Labour Court, Chennai.

2. By consent of the learned counsel appearing for the petitioner and the respondents, this Writ Petition is taken up for final hearing at the stage of admission itself

3. The brief facts of the case are that the petitioner, M/s.Bharath Man Power Agency, is a proprietary concern engaged in supplying manpower to Government Hospitals and is registered under the Employees' State Insurance Act, 1948. According to the petitioner, ESI contributions for the period from 01.01.2022 to 28.02.2025 had already been remitted. Subsequently, the manpower supply contract with the Government Hospital, Trichy, came to an end. Thereafter, the first respondent passed an order under Section 45A of the ESI Act dated 26.09.2025, determining ESI contribution of Rs.18,96,048/- on an ad hoc basis without identifying the employees. Aggrieved by the said order, the petitioner preferred a statutory appeal before the Principal Labour Court along with an application seeking waiver of the mandatory pre-deposit. Since the waiver application came to be dismissed by the order dated 17.04.2026, the



present Writ Petition has been filed.

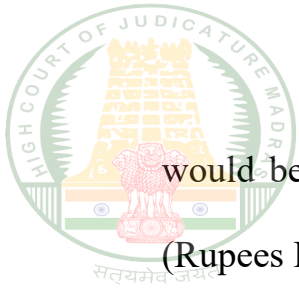
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4. The main contention of the learned counsel for the petitioner is that the contract for supply of manpower to the Government Hospital, Trichy, had already been terminated and therefore, no employee were engaged by the petitioner in the said hospital thereafter.

5. The Labour Court, while dismissing the waiver application, observed that the petitioner had addressed a letter dated 12.11.2021 to the Dean, Government Hospital, Trichy, intimating the termination of the contract.

6. However, a perusal of the said communication issued by the Chief Administrator, Mahatma Gandhi Government Hospital, Trichy, addressed to the petitioner, specifically informing that the manpower supply arrangement through the petitioner's agency should not be continued beyond 15.11.2021. Therefore, the finding of the Labour Court that the petitioner had addressed the said letter to the hospital is factually incorrect.

7. Having regard to the fact that the appeal is a statutory remedy under Section 75 of the ESI Act, and considering the aforesaid communication indicating that the manpower supply arrangement had been discontinued with effect from 15.11.2021, this Court is of the view that the interest of justice



would be served by directing the petitioner to deposit a sum of Rs.5,00,000/-
(Rupees Five Laksh Only) as a condition for entertaining the appeal.

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8. Accordingly, the petitioner is directed to deposit the aforesaid sum within a period of ten(10) days from the date of receipt of a copy of this order.

9. Upon such deposit, the statutory appeal shall be entertained and disposed of by the Principal Labour Court on its own merits and in accordance with law.

10. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

K.SURENDER J.
16-07-2026

JAI

To

1. The Deputy Director
ESI Corporation,
143 Sterling Road, Nungambakkam,
chennai 34
2. The Recovery officer
ESI Corporation,
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