

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WA.No. 836 of 2015 () IN WP(C).3079/2015

AGAINST THE JUDGMENT IN WP(C) 3079/2015

APPELLANT(S) :

M/S. TRANS ASIAN SHIPPING SERVICES(P) LTD
TRANS ASIAN CORPORATE PARK
XIV/396-C, SEAPORT, AIRPORT ROAD
KAKKANAD, KOCHI - 37
REP. BY ITS DEPUTY MANAGER (H.R) & AUTHORIZED SIGNATORY

BY ADV. SRI.G.KRISHNAKUMAR

RESPONDENT(S) :

1. THE REGIONAL DIRECTOR
ESI CORPORATION, PANCHDEEP BHAVAN
NORTH SWARAJ ROUND
THRISSUR - 682 020
- 2.DEPUTY DIRECTOR
ESI CORPORATION, PANCHDEEP BHAVAN
NORTH SWARAJ ROUND
THRISSUR - 682 020
- 3.STATE OF KERALA
REP. BY SECRETARY TO GOVT.
LABOUR & REHABILITATION DEPT.
GOVT.SECRETARIAT
THIRUVANANTHAPURAM - 695 001

R BY GOVERNMENT PLEADER SHRI.JOBY JOSE
R BY SRI.P.SANKARANKUTTY NAIR, SC, ESI CORPN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. SURENDRA MOHAN & MARY JOSEPH, JJ.

W.A NO:836 OF 2015

Dated this the 10th April, 2015.

JUDGMENT

Surendra Mohan, J.

The petitioner has filed this writ appeal against the judgment dated 27.2.2015 of the learned Single Judge in WPC 3079/2015, declining relief to the petitioner. The petitioner had approached this Court aggrieved by the non-consideration of Ext.P6 appeal filed as per Regulation 31D of the Employees state Insurance (General) Regulations, 1950. According to Adv.P.Sankarankutty Nair who appears for the respondents the appeal was not considered for the reason that, the same was not filed within the period of sixty days stipulated by Section 45A of the Employees' State Insurance Act, 1948 (the 'Act' for short). The learned Single Judge has found that, since there is no provision for condonation of the delay, the non-consideration of the appeal could not be found fault with. According to the counsel for the petitioner, this Court has granted a

similar relief in W.A.2000/2014. In the said case no appeal had even been filed. This Court directed the petitioner therein to file an appeal and the Appellate Authority to consider the appeal though time limit had long expired. According to the petitioner, the delay in the present case is only seven days.

2. Heard. Since a similar relief has been granted in another case we are of opinion that it is only appropriate for Ext.P6 appeal also to be considered on merits by the Appellate Authority. According to the counsel for respondents 1 and 2 the appeal was not considered only for the reason that the Appellate Authority had no power to condone the delay.

In view of the above this writ appeal is allowed. The Appellate Authority is directed to take up Ext.P6 appeal, to consider the same on merits and to pass final orders thereon, in accordance with law.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
MARY JOSEPH
Judge

jj

/True copy/

