

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 4868 of 2015 (G)

PETITIONER:

**CYHENDAMANGALAM HANDLOOM WEAVER'S CO-OPERATIVE
SOCIETY LTD.NO.H.47 , CHENDAMANGALAM P O, PIN-683512
ERNAKULAM, REP BY ITS SECRETARY**

**BY ADVS.SRI.THAMPAN THOMAS
SRI.B.V.JOY SANKER
SRI.SHAFFIE THOMAS
SMT.JANCY ALEX
SMTA.S.SOJI
SRI.THERUN THANKACHAN PERUMAL
SRI. SANEESH KUNJUNJH**

RESPONDENTS

- 1. THE STATE OF KERALA
REP BY THE SECRETARY
LABOUR & REHABILITATION (B) DEPARTMENT
THIRUVANANTHAPURAM**
- 2. THE DISTRICT LABOUR OFFICER
CIVIL STATION, KAKKANAD, ERNAKULAM**
- 3. THE DEPUTY DIRECTOR
REGIONAL OFFICE(KERALA)E S I CORPORATION
PANCHADEEP BHAVAN, POST BAG NO 2, THRISSUR 20**
- 4. THE DEPUTY DIRECTOR
SUB REGIONAL OFFICE, E S I CORPORATION, MALU'S COMPLEX
ST FRANCIS PRESS ROAD, KALOOR, KOCHI-682017**
- 5. THE RECOVERY OFFICER
OFFICE OF THE RECOVERY OFFICER , E S I CORPORATION
MALU'S COMPLEX, ST FRANCIS PRESS ROAD, KALOOR
KOCHI-682017**

WP(C).No. 4868 of 2015 (G)

**6. THE RECOVERY INSPECTOR,
OFFICE OF THE RECOVERY INSPECTOR, E S I CORPORATION
MALU'S COMPLEX, ST FRANCIS PRESS ROAD, KALOOR
KOCHI-682017**

**R3 -R 6 BY ADV. SRIK.SANDESH RAJA
R BY GOVERNMENT PLEADER SRI. R.RANJITH
R BY SRL.P.SANKARANKUTTY NAIR, SC, ESI CORPN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 4868 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:- TRUE COPY OF THE LETTER NO 54-15609-11 INSPN DTD 20/12/2005**
- EXT.P2:- TRUE COPY OF THE EXTRACT OF THE RELEVANT PAGES OF THE SAID MASS REPRESENTATION DTD 24/12/2005**
- EXT.P3:- TRUE COPY OF THE ORDER GO(RT)NO 2618/2008/LBR DTD 7/10/2008**
- EXT.P4:- TRUE COPY OF THE LETTER DTD 23/9/2009 ALONG WITH PROFORMA -A**
- EXT.P5:- TRUE COPY OF THE PROFORMA-A DTD 15/9/2011**
- EXT.P6:- TRUE COPY OF THE DEMAND NOTICE DTD 14/5/2012**
- EXT.P7:- TRUE COPY OF THE DEMAND NOTICE DTD 16/1/2015**
- EXT.P8:- TRUE COPY OF THE DEMAND NOTICE DTD 19/1/2015**
- EXT.P9:- TRUE COPY OF THE LETTER DTD 6/2/2015 WITH PROFORMA-A**
- EXT.P10:- TRUE COPY OF THE LETTER DTD 6/2/2015 TO THE SECRETARY TO GOVERNMENT, LABOUR AND REHABILITATION (B) DEPT.**
- EXT.P11:- TRUE COPY OF THE LETTER DTD 6/2/2015 TO THE DEPUTY DIRECTOR, ESI CORPORATION.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

SMM

P.A TO JUDGE

K. VINOD CHANDRAN, J.

.....
W.P.C. No.4868 of 2015

.....
Dated this the 19th day of March, 2015.

J U D G M E N T

The petitioner is aggrieved with the proceedings by the Employees State Insurance Corporation under the ESI Act, 1948 enforcing coverage of the petitioner's establishment. The petitioner's contention is that an exemption application is pending before the appropriate government, being the State Government, Exts.P4, P5 and P9 exemption applications are pending before the Government and hence, the notices issued at Exts.P6, P7 and P8, in the meanwhile by the ESI corporation cannot be proceeded with, is the plea. However, the learned Government Pleader on instructions submits that all the said applications were considered and the claim rejected.

2. The learned Counsel appearing for the petitioner submits that no communication has been received. In such

circumstances, the first respondent is directed to communicate the said orders within a period of two weeks from the date of receipt of the certified copy of this order. The petitioners contentions would be left open for appropriate challenge at the appropriate time in the appropriate forum.

The writ petition is closed.

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K. VINOD CHANDRAN.
JUDGE

smm

