

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37820 of 2015 (B)

PETITIONER:

A.ABDUL MAJEED, AGED 64 YEARS,
S/O. ABDUL KAREEM, PANDAKASHALA
THECKETHIL VEEDU, KANDACHIRA,
PERINAD P.O., KOLLAM DISTRICT.

BY ADVS.SRI.ASWIN GOPAKUMAR
SMT.KALA G.NAMBIAR
SMT.DEEPTI SUSAN GEORGE

RESPONDENTS:

1. EMPLOYEES STATE INSURANCE CORPORATION,
PANCHADEEP BHAVAN, NORTH SWARAJ ROUND,
POST BAG NO. 2, THRISSUR - 680 020
REPRESENTED BY ITS REGIONAL DIRECTOR.
2. THE DEPUTY DIRECTOR, EMPLOYEES STATE
INSURANCE CORPORATION, DIVISIONAL OFFICE,
KURUMPELIL AVENUE, POLAYATHODE,
KOLLAM DISTRICT - 691 001.

BY SRI.P.SANKARANKUTTY NAIR, SC, ESI CORPN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
5-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : THE WAGE REGISTER OF THE EMPLOYEES OF THE MILL FOR THE PERIOD BETWEEN 2002 AND 2006.
- EXHIBIT P2 : THE MUSTER ROLL OF THE MILL FOR THE PERIOD BETWEEN 2002 AND 2006.
- EXHIBIT P3 : TRUE COPY OF THE NOTICE BEARING NUMBER 54-13205-92 DATED 20.11.2002 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P4 : A TRUE COPY OF THE NOTICE DATED 04.08.2003 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE REPLY BY THE PETITIONER TO THE RESPONDENT DATED 22.10.2003.
- EXHIBIT P6 : A TRUE COPY OF THE NOTICE DATED 03.01.2004 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P7 : A TRUE COPY OF THE REPLY BY THE PETITIONER TO THE 1ST RESPONDENT DATED 12.04.2004.
- EXHIBIT P8 : A TRUE COPY OF THE NOTICE DATED 30.11.2004 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P9 : A TRUE COPY OF THE NOTICE DATED 23.06.2006 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P10 : A TRUE COPY OF THE REPLY BY THE PETITIONER TO THE RESPONDENT DATED 08.07.2006.
- EXHIBIT P11 : A TRUE COPY OF THE REPLY BY THE PETITIONER TO THE RESPONDENT DATED 31.07.2006.
- EXHIBIT P12 : A TRUE COPY OF THE NOTICE DATED 27.09.2006 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P13 : A TRUE COPY OF THE NOTICE DATED 16.10.2006 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P14 : A TRUE COPY OF THE JUDGMENT DATED 23.04.2010 IN I.C. NO. 31/2006 RENDERED BY THE ESI COURT, KOLLAM.
- EXHIBIT P15 : TRUE COPY OF THE ORDER DATED 17.08.2015 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P16 : A TRUE COPY OF THE ORDER DATED 18.08.2015 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.
- EXHIBIT P17 : A TRUE COPY OF THE ORDER DATED 24.08.2015 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT ON THE PETITIONER.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.37820 of 2015

Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner did raise a dispute as regards the coverage under Section 75 of the Employees' State Insurance Act, 1948 for the previous period. It is conceded that the order passed therein has been challenged by the petitioner in Insurance Appeal No.51/2010 before this Court. It is only proper that the petitioner challenges Exts.P15, P16 and P17 orders passed for the succeeding period similarly. The petitioner can raise a dispute and pursue the appeal if necessary since many disputed questions of fact and law are involved.

2. The coercive proceedings pursuant to Exts.P15, P16 and P17 shall be put on hold for a period of one month. This is to enable the petitioner to invoke the statutory remedy as indicated above and obtain appropriate interim orders therein.

The Writ Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj/15.12.15