

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8.01.2015

CORAM

THE HON'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.30800 of 2014  
and M.P.Nos.1 and 2 of 2014

Airports Authority of India,  
rep by its Airport Director,  
Chennai Airport,  
Chennai-600 016 ..... Petitioner

vs

1. Joint Director (Appellate Authority),  
E.S.I - Regional Office (Tamil Nadu),  
143, Sterling Road,  
Chennai-600 034

2. Assistant Director,  
E.S.I - Regional Office (Tamil Nadu)  
143, Sterling Road,  
Chennai-600 034

3. Social Security Officer,  
ESIC - Branch Office,  
ESIC Dispensary,  
I floor, G.S.T. Road,  
Pallavaram,  
Chennai-600 044

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a direction to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 18.8.2014, in No.TN/Ins-III/51-00-104184-000-1099 on the file of the second respondent and the consequential order dated 7.11.2014 in No.TN/Ins-III/51-00-104184-000-1099, on the file of the first respondent and quash the same and also direct the

respondents to condone the delay of 10 days in filing the Appeal of the petitioner under Sec.45 AA of ESI Act, 1948 and decide the said Appeal on merits.

For petitioner : Dr.FR.A. Xavier Arulraj

For respondents 1&2:Mr.P. Chandrasekaran

#### ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorified Mandamus to call for the records pertaining to the order dated 18.8.2014, in No.TN/Ins-III/51-00-104184-000-1099 on the file of the second respondent and the consequential order dated 7.11.2014 in No.TN/Ins-III/51-00-104184-000-1099, on the file of the first respondent and to quash the same and also to direct the respondents to condone the delay of 10 days in filing the Appeal of the petitioner under Sec.45 AA of ESI Act, 1948 and decide the said Appeal on merits.

2. Since the first respondent has no power to condone the delay in filing the appeal beyond 60 days from the date of the order i.e., 18.8.2014, under Sec.45 (AA) of Employees State Insurance Act, the first respondent refused to condone the delay and returned the demand draft produced by the writ petitioner.

3. The petitioner has satisfactorily explained the reasons for the delay of 10 days in filing the appeal and I am satisfied with the reasons stated by the petitioner for condoning of the delay of 10 days in filing the appeal.

4. In these circumstances, the learned counsel for the respondent fairly submits that the petitioner may be given an opportunity to file the appeal within a stipulated time.

5. Having regard to the submissions made by the learned counsel on either side, the impugned order dated 18.8.2014, passed by the second respondent, refusing to condone the delay of 10 days in filing the appeal under Sec.45 (AA) of Employees State Insurance Act, is set aside and the petitioner is given another opportunity to file the appeal.

6. Accordingly, the petitioner shall file an appeal before the first respondent within a period of two weeks from the date of

receipt of copy of this order and on receipt of the papers, the first respondent shall decide the same on merits and in accordance with law.

7. With these observations, the writ petition is allowed. No costs. Consequently, connected Mps are closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sr

To

1. Joint Director (Appellate Authority),  
E.S.I - Regional Office (Tamil Nadu),  
143, Sterling Road,  
Chennai-600 034
2. Assistant Director,  
E.S.I - Regional Office (Tamil Nadu)  
143, Sterling Road,  
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3. Social Security Officer,  
ESIC - Branch Office,  
ESIC Dispensary,  
I floor, G.S.T. Road,  
Pallavaram,  
Chennai-600 044

1 cc to Dr. AR.A.Xavier Arulraj, Advocate, Sr. 1141

1 cc to Mr. TNK Koushik, Advocate, Sr. 1052

W.P.No.30800 of 2014

EV (CO)  
kk 21/1

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