

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4448 OF 2008
IN
FIRST APPEAL (STAMP) NO. 19907 OF 2008

Employees State Insurance Corporation .. Applicant
vs.
M/s. Top Security Guards & Ors. .. Respondents

Mr. P. M. Palshikar for Applicant / Appellant.
None for Respondents.

CORAM : M. S. SONAK, J.
DATE: 30 JANUARY 2017

P.C :

1] This civil application seeks condonation of delay of 170 days in instituting the appeal against the order dated 21 November 2007 by Employee State Insurance Court under section 75 of the Employees State Insurance Act 1948 (said Act).

2] This civil application already stands dismissed by order dated 12 September 2012 as against respondent nos. 1 to 12, 15 to 19, 21 to 47 and 49 to 67. This means that this civil application stands dismissed substantially against most of the respondents in this appeal / application.

3] The issue involved in this case is the coverage of the respondents under the said Act for the period between 1978 to 1980. Learned counsel for the applicant / appellant submits that from the year 1980 onwards, respondent establishment stands

covered and there is no dispute in this regard.

4] Since, the dispute relates to coverage between the years 1978 to 1980 and since, the civil application stands dismissed as against most of the respondents, no useful purpose will be served in proceeding only against some of the remaining respondents who may have been served in this civil application. Even otherwise, it is not as if substantial grounds have been made out or sufficient cause shown to explain the delay. The matter relates to the year 2008 and therefore, no further indulgence can be shown in the matter.

5] For all the aforesaid reasons, the civil application is dismissed. Consequently, the appeal also stands dismissed. The interim order, if any, is vacated.

6] Since, application is basically dismissed for non prosecution, it may not be taken that this court has approved the view taken by the learned ESI Court in the impugned order.

7] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)