

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

C.M.A.No.469 of 2015
& M.P.No.1 of 2015

Saidapet Co-operative Milk
Producers Society Ltd, rep.by its
Secretary, Saidapet,
Chennai-15.

.. Appellant

... Vs...

1. The Deputy Director,
ESI Corporation Regional Office (Tamil Nadu)
Panchdeep Bhawan,
143, Sterling Road, Nungambakkam,
Chennai-34.
2. The Regional Director ESI Corporation,
143, Sterling Road, Nungambakkam,
Chennai-34.
3. The Recovery Officer, ESI Corporation,
143, Sterling Road,
Nungambakkam, Chennai-34.

.. Respondents

PRAYER:- Appeal filed under Section 82(2) of the Employees State Insurance Act, 1948, to set aside the order and decree dated 28.02.2014 made in EIOP No.137 of 2004 by the learned Employees Insurance Court (Principal Labour Court, Chennai).

For Appellant : Mr.C.Sundaramurthy

For Respondents : Mr.C.V.Ramachandramoorthy

JUDGEMENT

This appeal is filed against an order in EIOP NO.137/2004 dated 28.02.2014 in and by which, the Employees State Insurance Court dismissed the application filed by the appellant under Section 75 of the Employees State Insurance Act, 1948 [hereinafter referred to as "the Act"].

2.The order that was challenged before the E.S.I.Court is the prohibitory order dated 23.04.2004 made under Section 45C to 45I of the Act, pursuant to the order passed under Section 45A of the Act on 06.11.2002, it is not in dispute that the same is not under challenge.

3.Mr.C.Sundaramurthy, learned counsel appearing for the appellant would contend that the Appellant Society has become sick and it has not collected any contribution from the employees.

4.Without filing an appeal against the order made under Section 45A of the Act, the appellant cannot question the consequential order made under Section 45C to 45I of the Act, which are strictly in the nature of execution of proceedings. Hence, I do not find any merit in the appeal. Hence, the appeal is dismissed. No Costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Employees Insurance Court
(Principal Labour Court, Chennai).

+1cc to M/s.C.Sundaramoorthy, Advocate, S.R.No.55861

+1cc to M/s.C.V.Ramachandramoorthy, Advocate, S.R.No.55898

C.M.A.No.469 of 2015

KS (CO)
CU (28/08/2017)