

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.06.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.11219 of 2003

Sree Ayyanar Spinning and Wearing Mills Ltd.,
Unit II, Iluppaikulam,
Madurai District - 625 701.
Rep. by its Manager S.Selvarajan

... Petitioner

Vs

1. Government of India,
Ministry of Labour,
Nirman Bhavan, New Delhi.
Rep. by its Deputy Secretary.
 2. Employees State Insurance Corporation,
Rep. by its Director General,
New Delhi.
 3. The Regional Director,
Employees' State Insurance,
Corporation, 143, Sterling Road,
Chennai - 600 034.
 4. The Deputy Director,
Employees' State Insurance,
Corporation, Sub-Regional Office,
K.K.Nagar, Madurai - 625 020.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in Notification No.Nil dated Nil and the consequential orders of the 4th respondent made in No.57/N/15/14/2/2002/BF/IMPLN/SRO/MDU, dated 18.11.2002 and quash the same and restrain the respondents from implementing the provisions of the Employees' State Insurance Act 1948 and also restraining the respondents from initiating any criminal or recovery proceedings in so far as the petitioner's establishment is concerned.

For Petitioner : M/s. Kavya Silambanan
For RR1 : Mr.T.L.Thirumalaisamy
RR2 to 4 : Mr.K.C.Ramalingam

O R D E R

Impugned Notification dated 18.11.2002 was issued by the competent authority under the provisions of the ESI Act. Section 1(3) therein empowers the authority to issue order in

implementation of the scheme. The only grievance set out in the Writ Petition as submitted by the learned counsel for the petitioner is that, in spite of the implementation of the ESI Scheme, sufficient facilities have not been extended to the employees of the petitioner-organisation. With regard to the absence of the same, the learned counsel for the respondent-Corporation contended that facilities are available for the employees under the ESI Scheme and they can very well avail of the same. However, under this pretext, the writ petitioner cannot prevent the Central Government from implementing the scheme itself.

2. Despite the contentions raised by both sides, this Court is of the view that the power under the Act cannot be questioned, since it is a welfare legislation and implemented throughout the nation uniformly. This apart, the provisions are not under challenge and therefore, this Court is not inclined to consider the grounds raised in this Writ Petition. It is left open to the Writ Petitioner to avail of the facilities established by the Central Government under the said Act. This Court finds no merit in the contentions raised by the Writ Petitioner and accordingly the Writ Petition stands dismissed with the above observations. No Costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. Government of India,
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2. Employees State Insurance Corporation,
Rep. by its Director General,
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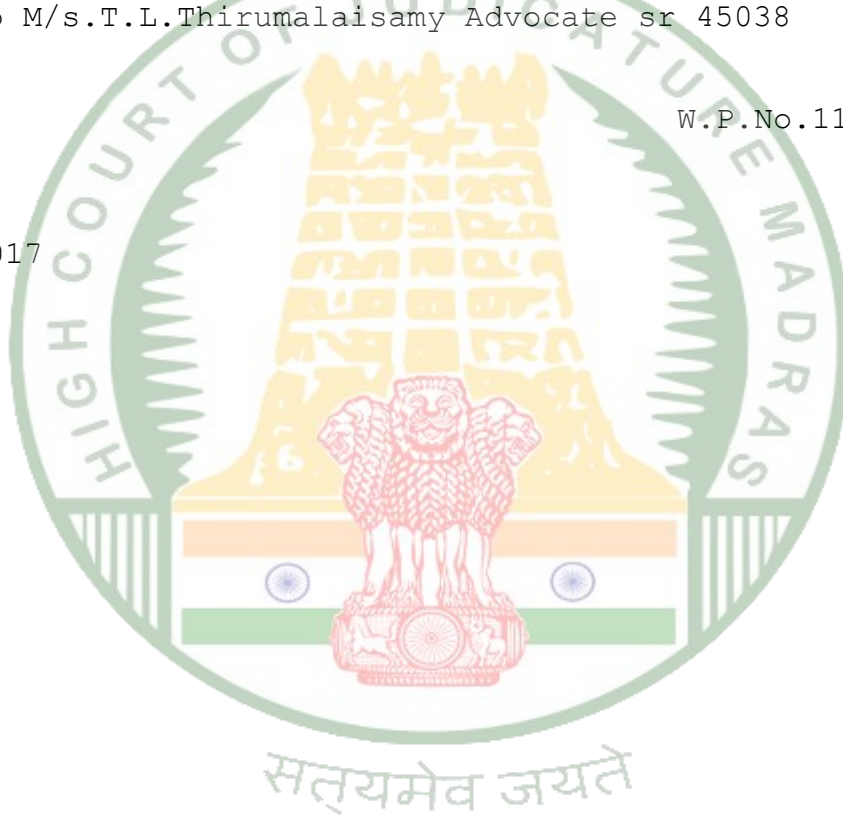
+1 cc to M/s.Kaavya Silambannan Associates sr 45605

+1 cc to M/s.K.C.Ramalingam Advocate sr 45143

+1 cc to M/s.T.L.Thirumalaisamy Advocate sr 45038

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