



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.M.A. (MD) No.1324 of 2016

The Joint Director,  
ESI Corporation, Sub Regional Office,  
Municipal Shopping Complex,  
Salai Street,  
Sindhupoonthurai  
Tirunelveli - 627 001.

... Appellant/Respondent

**Vs.**

Sundaram Textiles Limited,  
Nambi Nagar, Nanguneri,  
Tirunelveli District  
rep. By through its  
Factory Manager

... Respondent/Petitioner

**Prayer:** Civil Miscellaneous Appeal is filed under Section 82 of the E.S.I. Act, 1948, to set aside the order dated 20.10.2014 passed by the E.S.I. Court (i.e. Labour Court), Tirunelveli in ESI O.P.No.1 of 2013.

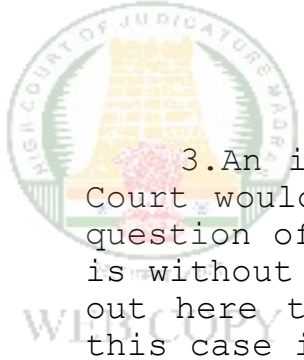
For Appellant  
For Respondent

: Mr.P.Ganapathisamy  
: Mr.P.Chandrabose

**JUDGMENT**

E.S.I. Corporation has filed this appeal questioning the impugned order dated 20.10.2014 made in E.S.I.O.P.No.1 of 2013 on the file of Employees State Insurance Court, Labour Court, Tirunelveli.

2.The respondent herein is a covered entity. It is a factory. The appellant Corporation passed an order under Section 45 A of the Act on 28.08.2012. The same was questioned by the respondent. Before the E.S.I. Court, the Corporation neither examined any witness nor marked any document. There is complete absence of any contra evidence on the part of the appellant Corporation. In these circumstances, E.S.I. Court rightly set aside the order passed under Section 45 A of the Act and allowed the E.S.I.O.P. No exception can be taken to the approach adapted by the E.S.I. Court.



3. An independent examination of the order passed by the E.S.I. Court would show that it is a well reasoned order. No substantial question of law arises for consideration in this appeal. The appeal is without any merit. It stands dismissed. It is relevant to point out here that E.S.I. Court found that the expenditure incurred in this case is not for carrying out regular works. Therefore, payment made in that regard may not be brought within the expression 'wages' for the purpose of levying contribution. I find no merit in this appeal.

4. This civil miscellaneous appeal stands dismissed. No costs.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

**To**

1. The E.S.I. Court (i.e. Labour Court),  
Tirunelveli.
2. The Record Keeper, Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+ 1 CC TO Mr.P.CHANDRA BOSE, ADVOCATE IN SR No. 93702  
+ 1 CC TO Mr.P.GANASAMYSAMY, ADVOCATE IN SR No. 94214

ARUL

TE/JC/SAR-3 : 02/05/2018 : 2P/6C

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