



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.378 of 2016

The Employees State Insurance Corporation,
Sub Regional Office,
Tirunelveli.

... Appellant

Vs.

M/s.A.V.M.Hospital,
M.V.Lakshmanan,
Principal Employer through its
Administrator, S.Ramesh Babu

... Respondent

Prayer : This Civil Miscellaneous Appeal is filed under Section 82 of the E.S.I. Act, 1948, to set aside the order dated 21.07.2015 passed by the ESI Court (Labour Court), Tirunelveli in ESI O.P.No.5 of 2015.

For Appellant : Mr.P.Ganapathisamy
Respondent : No Appearance

JUDGMENT

An order was passed under Section 85-B of the ESI Act levying damages on the respondent establishment. The respondent filed ESIP No.5 of 2015 questioning the same. The Labour Court rightly noted that mens rea for violation of statutory provision has not been made out in this case and following the decision of the Hon'ble Supreme Court reported in **2008(1) LLN 491 - ESI Corporation Vs, HMT Limited** allowed the said petition. However, a sum of Rs.1,25,588/- was quantified as damages by the Labour Court. The respondent establishment has not chosen to question the same.

2.Be that as it may, no substantial question of law arises for determination in this appeal. This appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)



To

1. The Presiding Officer,
ESI Court (Labour Court),
Tirunelveli.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.GANAPATHISAMY, ADVOCATE IN SR No. 89043

ARUL

TE/KK/SAR-3 : 08/12/2017 : 2P/4C

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