



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(MD).Nos.2250 and 2268 of 2015 and
M.P(MD).Nos.1 and 1 of 2015 in both CRPs

M/s. Sree Kaderi Ambal Mills Ltd.,
Perattukkottai Village,
Shanmuganathapuram - 630 314,
Devakottai Taluk, Sivagangai District.
Rep. by its Managing Director.

: Petitioner in both CRPs

Vs.

1.Peri. Mahendran
President, Sri Sree Kaderi Ambal Mills Textile Workers Union

2.The Joint Director,
ESI Corporation (SRO),
4th Main Road, K.K.Nagar,
Madurai - 625 020

3.The Recovery Officer,
ESI Corporation Limited,
4th Main Road, K.K.Nagar,
Madurai- 625 020

..Respondents in CRP(MD).No.2250/15

1.C.Amburose
President, Sri Sree Kaderi Ambal Mills National
Textile Workers Union (INTUC),

2.K.Ramu
3.S.Muthu
4.Arulraj
5.S.Gnanaprakasam
6.C.Thirupathy

7.The Joint Director,
ESI Corporation (SRO),
4th Main Road, K.K.Nagar,
Madurai - 625 020



8.The Recovery Officer,
ESI Corporation Limited,
4th Main Road, K.K.Nagar,
Madurai- 625 020

.. Respondents in CRP(MD).No.2268/15

Prayer in CRP(MD).No.2250 of 2015: The Civil Revision Petition has been filed against the fair and decreetal order datd 27.02.2015 made in I.A.No.127 of 2013 in ESIOP No.68 of 2009 on the file of the ESI Court, Madurai.

Prayer in CRP(MD).No.2268 of 2015: The Civil Revision Petition has been filed against the fair and decreetal order dated 27.02.2015 (received on 30.04.2015) made in I.A.No.128 of 2013 in ESIOP No.68 of 2009 on the file of the ESI Court, Madurai.

For petitioner : Mr.M.Jesin Mathew
For R1 : Mr.T.Ravichandran

COMMON ORDER

The ESI OP was filed in the year 2009, for quashing the coverage and demand of contribution and for refund of contribution under the ESI Act. Pending the OP, the Employees Union has filed an application to get impleaded themselves and the Court below has allowed their application to get implead themselves and contest the OP. The present revision petitions are filed, aggrieved by the order passed in the impleading petitions.

2. According to the Management, the impleading petitioners are not necessary parties and without adducing any valid reason to get themselves impleaded, the Labour Court has allowed the applications.

3. The learned counsel appearing for the petitioner submitted that the ESI.OP.68 of 2009 was primarily filed to quash the coverage and demand of contribution and for refund of contribution wrongly remitted by it between 2003-2007. Therefore, the Management which has remitted contribution alone is an aggrieved party and not the employee or first respondent who claim himself as president of the Sri Kaderiambal Mills Textile Workers Union (INTUC). This Court is not convinced in the representation of the counsel for the petitioner. ESI contribution is from both the employer and employee and hence, both the employer and employee mandatorily pay to the Corporation for the welfare of the employees.

4. Here is the case, where the employer questions the coverage and demand of contribution and for refund of contribution which includes the contribution made by the employees. The first respondent who is representing their recognised Trade Union has every right to make submission



regarding the coverage as well as the contribution made by its members.

5. Therefore, I see no merits in these Revision Petitions challenging the order passed by the Labour Court in impleading the first respondent and therefore, the Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Presiding Officer,
ESI Court, Madurai.

+2ccs to Mr.M.E.Ilango, Advocate, SR.Nos.13291, 13290
+One cc to Mr.T.Ravichandran, Advocate, SR.No.13139

trp
RL/5C/3P/SKN/RSK/23.3.2017

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