



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.43 of 2011
and
M.P. (MD) No.1 of 2011

S.Bomiraj .. Appellant/Writ Petitioner

Vs.

1.The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
K.K.Nagar, Madurai - 625 020.

2.The Management,
Shri Mookambiga Spinning Mills,
Velvarkottai,
Trichy Road, Vadamadurai,
Dindigul District.
Rep. Through its General Manager. .. Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of the letter patent, against the order passed by this Court, dated 06.10.2010, passed in W.P. (MD) No.4504 of 2007.

Prayer in WP(MD). 4504/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the 1st respondent to perform his duty by running a full time hospital at Vadamadurai, Vedasandur Taluk, Dindigul District, all the 24 hours.

For Appellant : No appearance

For R -1 : Mr.R.Ravindran

For R 2 : No appearance

JUDGMENT

[Judgment of the Court was made by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner has filed this *intra Court* appeal challenging the order dated 06.10.2010 in W.P. (MD) No.4504 of 2007.



2. According to the writ petitioner, he is a permanent employee of the second respondent Mill situated in Vada Madurai, Vadasandur Taluk, Dindigul District. The said area was covered under ESI Act. According to the writ petitioner, they are enjoying various benefits on account of the settlements entered into between the workman and employer. The Writ Petitioner would further claim that the second respondent is having a good tie up with various reputed hospitals in Dindigul.

3. It is the grievance of the writ petitioner that the ESI Hospital at Vadamadurai is not functioning properly. He has serious grievance regarding its maintenance and timings. He therefore sought a direction for directing the first respondent to run a full time hospital at Vadamadurai on a rounded clock basis. Since his representation was not heeded to, he filed the said W.P. (MD) No. 4504 of 2007.

4. Before the learned single Judge, the first respondent filed their counter affidavit setting out the details regarding the running of the hospital. Despite mentioned in the said counter affidavit that ESI Hospital in Tamilnadu, run by the Government of Tamil Nadu as provided under Section 50 of the Act and they are into the control and provision of the Director of Medical and Rural Services (ESI), Chennai-6. It was opened to the writ petitioner to took it to the first respondent to run a full time hospital on rounded clock basis. At present the hospital is being run from 7.00 a.m to 10.30 am and from 4.00 p.m to 6.30 p.m in week days. On Sundays and other holidays it functions from 7.00 a.m to 10.30 a.m. Satisfied with the said stand taken by the first respondent, the learned single Judge dismissed the Writ Petition. Aggrieved by the same, this Writ Appeal has been filed.

5. The appellant has not set out as to how he can demand that the first respondent should run a full time hospital in Vadasanthur. In matters such as thus its final implication, it is not open to this Court to issue any direction as sought for in this Writ Appeal.

6. There are no merits in this Writ Appeal and it stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.R.Ravindran, Advocate in SR.No.68547

TA/MR/AKV

AE/JC/SAR3/29.08.2017/2P/2C