

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31910 of 2014

ORDER:

1) The present writ petition came to be filed with the following prayer:

“issuance of writ of mandamus, declaring the action of the respondents in seeking to apply and enforce the provisions of the E.S.I.Act to the petitioner’s institution as arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India and consequently declare the Notification issued by the Government of Andhra Pradesh vide A.P.Gazette No.582, dated 14.10.2008 as being unenforceable to the petitioner institution and further direct the fourth respondent not to insist for payment towards contribution under the ESI scheme as per the Demand Notice dated 27.08.2014 vide Ref.No. 52000304240001301/ CP/ 12585.”

2) At the time when the matter is taken up for hearing, learned Government Pleader for Labour submits that the issue involved in the present writ petition is covered by the order of this Court in W.P.No.29636 of 2011, wherein this Court refused to accept the request of the petitioner. The same came to be challenged by way of Writ Appeal No.207 of 2016 which was also dismissed, confirming the findings given by the learned Single Judge. The said fact is not seriously disputed by the learned counsel for the petitioner but however submits that liberty may be given to the petitioner to file an application for exemption as per the provisions of the Employees State Insurance Act, 1948.

3) Accordingly, the writ petition is dismissed. However, it is open to the petitioner to file application for exemption as per the provisions of the Employees State Insurance Act, 1948, in which event the same shall be dealt with in accordance with law.

4) There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13.06.2017
gkv

