

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32050 of 2017

Christian Medical College Vellore Association,
Ida Scudder Road,
Post Box No.3,
Vellore - 632 004,
Represented by its Secretary ... Petitioner

Vs.

1.State of Tamil Nadu,
Department of Labour and Employment,
Secretariat, Fort St. George,
Chennai-6 Represented by its Secretary.

2.The Deputy Director,
Employees State Insurance Corporation,
Pandeep Bhavan,
No.143, Sterling Road,
Chennai-34.

3.The Joint Director,
Appellate Authority under ESI Act,
Employees State Insurance Corporation,
Pandeep Bhavan,
No.143, Sterling Road,
Chennai-34.

Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the order bearing letter No.27933/L1/2013-5, dated 26.11.2014 passed by the first respondent and to quash the same and direct the first respondent to grant exemption from ESI coverage for the period from 29.12.2010 to 31.12.2012.

For Petitioner

: Mr.Sanjay Mohan for
M/s.S.Ramasubramaniam
& Associates.

For Respondent-1

: Mr.J.Ramesh,
Government Advocate.

For Respondents-2&3

: Mr.G.Bharadwaj

O R D E R

The order passed by the first respondent-Secretary to Government in letter dated 26.11.2014 is under challenge in this writ petition.

2. The claim made by the writ petitioner, seeking exemption for the period from 29.12.2010 to 31.12.2012 was rejected by the respondents on the ground that retrospective exemption cannot be granted on account of the amendment made under Sections 87 and 91-A of the Employees' State Insurance Amendment Act, 2010 in view of the fact that the very application itself was filed after the expiry of the said period from 29.12.2010 to 31.12.2012. There is no infirmity in respect of the decision taken by the respondents.

3. The learned Senior Advocate, appearing on behalf of the writ petitioner, also fairly submitted that the application seeking exemption was sought for after the expiry of the said period.

4. In this view of the matter, the grounds raised in this writ petition deserve no further consideration. Accordingly, the order impugned is in accordance with the amended provision of the Act and there is no infirmity and as such, the writ petition stands dismissed. Registry is directed to return the original impugned order to the counsel for the writ petitioner. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Svn
To

Sub Assistant Registrar

1.The Secretary,
State of Tamil Nadu,
Department of Labour and Employment,
Secretariat, Fort St. George,
Chennai-6.

2.The Deputy Director,
Employees State Insurance Corporation,
Pandeep Bhavan,
No.143, Sterling Road,
Chennai-34.

3.The Joint Director,
Appellate Authority under ESI Act,
Employees State Insurance Corporation,
Pandeep Bhavan,
No.143, Sterling Road,
Chennai-34.

4.The Section Officer,
E.R. Section, High Court, Madras.

+1cc to Mr.S.RAMASUBRAMANIAM & ASSO. Advocate, S.R.No.31096
+1cc to Mr.G.BHARADWAJ, Advocate, S.R.No. 31399
+1cc to the Government Pleader, S.R.No. 31286

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PPA(CO)
TR(11/05/2018)



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