

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28381 of 2013

And

M.P.No.1 of 2013

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

Vs.

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

2.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 Certiorari, calling for the records connected with the order ref. NO.TN/INS. VIII/ 51-00- 103372- 000- 1305/ 607/ 13 dated 13.9.2013 on the file of the 2nd respondent the Joint Director Appellate Authority ESI Corporation which confirms by order ref. NO. TN/ INS.VIII/ 51-00- 103372- 000- 1305/ C18Actual/607/ 13 dated 08.7.2013 passed by the 1st respondent and to quash the same.

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

For Respondents : Mr.G.Bharadwaj

O R D E R

The order passed by the second respondent-Joint Director/Appellate Authority under Section 45-AA of the Employees' State Insurance Act, 1948 dated 13.9.2013 is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, fairly submitted that the order passed by the respondent is an appealable order under Section 75 of the Employees' State Insurance Act, 1948. Thus, the writ petitioner may be permitted to approach the Employees' State Insurance Court, within a reasonable period of time.

3. The learned counsel, appearing on behalf of the respondents, also made a submission that the order passed by the second respondent is an appealable order and the writ petitioner has to prefer original petition under Section 75 of the Act.

4. In view of the fair submissions made by the respective learned counsel appearing on behalf of the writ petitioner and the respondents, this Court is of an opinion that the time limit prescribed is to be relaxed in favour of the writ petitioner, enabling the writ petitioner to prefer the original petition under Section 75 of the Act before the E.S.I. Court.

5. Accordingly, the the writ petitioner is permitted to file the original petition, within a period of six weeks from the date of receipt of a copy of this order. If the said original petition is filed within a period of six weeks, then the E.S.I. Court shall entertain the same and number the original petition and adjudicate on merits and in accordance with law. In respect of other conditions regarding the deposit of amount, the same also may be considered on merits and in accordance with law. Till the original petition is taken up for adjudication by the E.S.I. Court, all coercive actions of the respondent shall be kept in abeyance. The Registry is directed to return the original impugned order to the counsel for the writ petitioner. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSVIII)

//True Copy//

Sub Assistant Registrar

Svn

To

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

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

+1cc to M/s.S.Ramasubramanian & Asso. Advocate Sr.No.31095

+1cc to M/s.G.Bahardwaj, Advocate Sr.No.31398

+1cc to Government Pleader sR.no.31287

MP (CO)
sm:14.5.2018

W.P.No.28381 of 2013



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