



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2432 of 2015
and
M.P.(MD)No. 1 of 2015

M/s. Siluvai Nadar and Sons,
142, Main Road,
Panagudi-627 109,
Tirunelveli District.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli.
2. The E.S.I. Corporation,
Sub Regional Office,
Tirunelveli-3,
Represented by its
Joint Regional Director.
3. Recovery Officer,
Sub Regional office,
Tirunelveli.

... Respondents

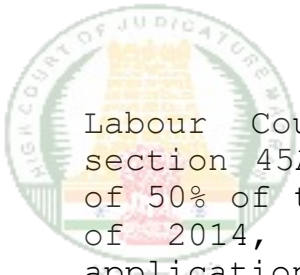
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 06.01.2015 passed by the first respondent, Hon'ble Labour Court in I.A.No.254 of 2014 in un-registered E.S.I.O.P. and quash the same as illegal.

For petitioner : Mr. M.Jerin Mathew
for Mr.M.E.Ilango
R1 : Court
For R2 & R3 : Mr.P.Ganapathysamy

O R D E R

Heard, the learned counsel on either side.
<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner filed an unnumbered E.S.I.O.P. before the



Labour Court, Tirunelveli, questioning the order passed under section 45A of the E.S.I. Act. Since the Act contemplates deposit of 50% of the payment amount, the petitioner herein filed I.A.No.254 of 2014, seeking waiver of the said requirement. The said application came to be dismissed by order dated 06.01.2015. The same was questioned in this writ petition. This court granted interim order on condition that the petitioner shall deposit 30% of the amount. The learned counsel for the petitioner states that the said condition has been complied with.

3. Admittedly, this first respondent has got the power of waiver and even under the statute what is required is 50% of the demand out of which, the petitioner has deposited 30% of the amount. Therefore, considering the averments made in the affidavit and taking note of the fact that the petitioner has deposited 30% of the demand amount, this Court is of the opinion that it is appropriate to direct the first respondent to decide the appeal on merits.

4. Thus, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Presiding Officer,
Labour Court,
Tirunelveli.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.E.ILANGO, ADVOCATE IN SR No. 47594
+ 1 CC TO Mr.P.GANAPATHISAMY, ADVOCATE IN SR No. 46994

PNN/SKM
TE/KKR/SAR-1 : 22/03/2018 : 2P/5C

ORDER MADE IN
W.P. (MD) No.2432 of 2015 and
M.P. (MD) No. 1 of 2015
07.02.2018