



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD) (MD) .No.2325 of 2016

M/s. Link Agro Engineering Woks,
through its Proprietrix,
Palaniammal,
W/o. P.A.Saravan.

... Petitioner

Vs.

1. E.S.I. Corporation,
represented by its Joint Director,
Sub Regional Office,
Salai Street,
Vannarpettai,
Tirunelveli -3.

2. E.S.I.Corporation,
represented by its Recovery Officer,
Sub Regional Office,
Salai Street,
Vannarpettai,
Tirunelveli -3.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order made in I.A.No.65 of 2016 in unregistered E.S.I.O.P. by the Labour Court, Tirunelveli, dated 22.06.2016.

For Petitioner	:	Mr.D.Venkatesh
For Respondents	:	Mr.P.Ganapathisamy

O R D E R

The revision petitioner herein is an Establishment covered under the E.S.I.Act. Orders under Section 45-A of the Act were issued. The same was questioned by the petitioner herein by filing an E.S.I.O.P. before the Labour Court, Tirunelveli. But there was a delay of 2851 days in filing the same. The Court below dismissed the said condone delay petition by order dated 22.06.2016. This is challenged in the Civil Revision Petition.



2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3. As rightly pointed out by the learned counsel appearing for the respondents, such a long delay cannot be condoned. In fact, the statute prescribes a limitation period of three years. Therefore, the order impugned in the Civil Revision Petition is sustained. However, the learned counsel appearing for the revision petitioner submits that the Unit was not functioning from 2007 onwards. According to the revision petitioner, the Unit was not functioning from December 2007 up to 15.10.2010 and again for the period from 2011 to 2013. The dispute pertains only to that period. The revision petitioner also says that he filed an application of review before the authority concerned on 26.06.2014. The authority concerned is called upon to dispose of the revision petitioner's Review Application on merits and in accordance with law.

4. With these observations, the Civil Revision Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 85848
+ 1 CC TO Mr.P.GANAPATHISAMY, ADVOCATE IN SR No. 85275

AKV
TE/SKN/SAR-4 : 14/11/2018 : 2P/4C

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