



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos.5175 and 5176 of 2016

and

W. M.P. (MD) Nos.4631 and 4632 of 2016

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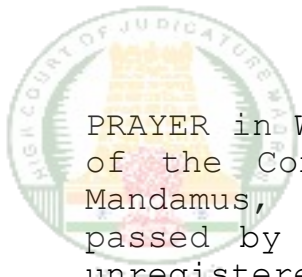
Vettooranimadam Women's Industrial
Weavers Cooperative Production and
Sales Society Ltd., No.TNH 99
Paramarthalingapuram,
Veetoranimadam, Kanyakumari District.
Represented by Handloom Officer/
Special Officer ... Petitioner in W.P.(MD) No.5175 of 2016

Kamaraj Industrial Weavers Cooperative
Production and Sales Society Limited No.TNH-110,
Paramarthalingapuram,
Vettornimadam post,
Nagercoil, Kanyakumari District.
Represented by its Handloom Officer/
Special Officer ... Petitioner in W.P.(MD) No.5176 of 2016

Vs.

- 1.The Deputy Regional Director,
Employees State Insurance Corporation,
Sub Regional Office (Tirunelveli)
Salai Street, Vannarapettai,
Tirunelveli -3.
- 2.The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office (Tirunelveli)
Salai Street, Vannarapettai,
Tirunelveli.
- 3.The Presiding Officer,
Labour Court,
Tirunelveli. ... Respondents in both writ petitions

PRAYER in W.P.(MD) No.5175 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the E.S.I. Court, Tirunelveli in I.A.No.218 of 2014 in unregistered ESI O.P. Dated 26.03.2015 and quash the same as illegal consequently directing the third respondent to number the E.S.I.O.P. without insisting the condition of pre-deposit.



PRAYER in W.P. (MD) No.5176 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the E.S.I. Court, Tirunelveli in I.A.No.219 of 2014 in unregistered ESI O.P. Dated 26.03.2015 and quash the same as illegal consequently directing the third respondent to number the E.S.I.O.P. without insisting the condition of pre-deposit.

For petitioner : Mr.S.M.Mohan Gandhi
For R1 & R2 : Mr.K.C.Ramalingam
R3 : Labour Court
(in both writ petitions)

COMMON ORDER

Heard, the learned counsel on either side.

2. The petitioner is a registered Cooperative Society. It suffered an order under Section 45A of the ESI Act. It filed E.S.I.O.P. before the Labour Court, Tirunelveli, and waiver application under section 75(2-B) of the Act was filed in I.A.Nos.218 and 219 of 2014. The same were disposed of by the Labour Court by directing the petitioners to deposit 25% of the amount due from the petitioners. The same is questioned in these writ petitions. The learned counsel for the petitioners submit that the petitioners being a Women Industrial Weavers Cooperative Society, the lower Court ought to have shown little more leniency and indulgence. The learned counsel also contended that on merits, the petitioners have got a very good case.

3. Taking note of the same, this Court is inclined to modify the orders passed by the labour Court. The petitioners are directed to deposit 10% of the sum of Rs.15,55,611/- and Rs.13,85,525/- on or before 30.04.2018 to the credit of E.S.I. Court. Upon remittance of the said amount, the E.S.I.O.P. filed by the petitioners herein shall be numbered and disposed of in accordance with law.

4. With these modifications, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

The Presiding Officer, Labour Court, Tirunelveli.
+2ccs to M/s.S.M.Mohan Gandhi, Advocate, SR.Nos.47124 and 47125
+2ccs to M/s.K.C.Ramalingam, Advocate, SR.Nos.47067 and 47066
pnn/skm
RL/6C/2P/SV/MMS/SAR1/22/3/2018