

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

C.M.P. Nos.15014 & 15020 of 2019 in
C.M.A. SR Nos.68558 & 68563 of 2019

The Assistant Director,
Employees' State Insurance Corporation,
Regional Office (Tamil Nadu),
No.143, Sterling Road, ... Petitioner in C.M.P.
Chennai-600 034. No.15014 of 2019/ Appellant

The Deputy Director,
Employees' State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam High Road, ... Petitioner in C.M.P.
Chennai-600 034. No.15020 of 2019 / Appellant

-vs-

M/s.Lucas TVS Limited,
Padi, Chennai-600 050,
rep. by K.Balasubramanian ... Respondent in
C.M.P. No.15014 of 2019
General Manager-Personnel

M/s.Balu Company,
No.318, Thambu Chetty Street, ... Respondent in C.M.P.
Chennai-600 001. No.15020 of 2019

Prayer in C.M.P. No.15014 of 2019: Petition filed under Section 82(3) of the Employees' State Insurance Act 1948 to condone the delay of 1064 days in filing the appeal against the order and decretal order dated 22.04.2016 passed in E.I.O.P. No.164 of 2005 on the file of the Employees Insurance Court (Principal Labour Court), Chennai pending disposal of the Civil Miscellaneous Appeal.

Prayer in C.M.P. No.15020 of 2019: Petition filed under Section 82(3) of the Employees' State Insurance Act 1948 to condone the delay of 223 days in filing the appeal against the order and decretal order dated 24.07.2018 passed in E.I.O.P. No.5 of 2014 on the file of the Employees Insurance Court (Principal Labour Court), Chennai pending disposal of the Civil Miscellaneous Appeal.

For petitioner in both cases : Mr.K.Prabakar

COMMON ORDER

The Employees' State Insurance Corporation has filed the petitions seeking an order to condone the delay of 1064 and 223 days in filing the above two appeals.

2.Learned counsel appearing for the petitioner would submit that after the impugned decretal order passed on 22.04.2016, due to non availability of certified copies of the evidence and exhibits, the appeals could not be filed in time. Therefore, after obtaining all the relevant records and necessary instructions, steps have been taken to prefer the appeals. In the meanwhile, the delay has occurred, which is neither willful nor wanton.

3.I am unable to find any single explanation in the affidavit filed by the petitioner to condone the huge and unexplained delay of 1064 and 223 days in filing the appeal against order dated 22.04.2016 and also order dated 24.07.2018. Now a days the officers of some of the Corporations come to Court after a long slumber taking the Courts for granted. When the Employees' State Insurance Corporation is having their own panel lawyers to assist them to defend their cases, they cannot come to this Court with the long delay of 1064 days in filing appeals against one order and with another delay of 223 days in filing appeal against another order.

4.As it is well settled law that every day's delay has to be explained and no such explanation has been given in the present cases for condoning the delay and for not filing the appeals within the reasonable time, this Court is unable to find any sufficient cause to condone the delay. Accordingly, the petitions fail and the same are dismissed. Consequently, C.M.A. Nos.SR68558 and 68563 of 2019 stand rejected.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To
The Employees Insurance Court
(Principal Labour Court), Chennai.

+2ccs to Mr.K.Prabakar , Advocate SR.No. 61732 and 67133
C.M.P. Nos.15014 & 15020 of 2019 in
C.M.A. SR Nos.68558 & 68563 of 2019

rv (CO)
A.SK(16/09/2019)



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