

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2993 of 2017

and

C.M.P.No.17672 of 2017

Syed Nizamudeen Beedi,  
Manufacturers Private Limited,  
12, East Muthiah Chetty Lane,  
Washermentpet, Chennai - 21,  
Rep.by its Director S.A.Kabeer.

..Appellant

Vs.

The Assistant Director,  
ESI Corporation,  
No.143, Sterling Road,  
Chennai - 600 034.

..Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 82 of the Employees State Insurance Act, praying to set aside the order passed by the ESI Court, (Principal Labour Court, Chennai) in E.I.O.P.No.247 of 2004 dated 18.07.2017 consequently allow the appeal.

For Appellant : Mr.Anand Gopalan  
for M/s.L.Vivekananthan

For Respondent : Mr.T.N.C.Kaushik

J U D G M E N T

The order dated 18.07.2017 passed in E.I.O.P.No.247 of 2004 is under challenge in the present appeal.

2. The learned counsel for the appellant mainly raised a ground that the order passed by the E.S.I.Court is absolutely non-speaking and no reason has been assigned for the purpose of arriving a decision. The pleadings extracted till Paragraph No.10, stereo typed findings are made and in Paragraph No.11 of the judgment, similar appeals were already remanded back to the trial Court for fresh adjudication as the issues, documents and witnesses were not adjudicated and no findings have been given.

3. On perusal of the judgment reveals that the facts are reproduced and general observation is made in Paragraph No.11 and the petition was dismissed. Thus, it is made clear that there was no proper adjudication of the issues with reference to the documents and evidences and the trial Court has not given any findings, so as to consider the grounds raised in the present appeal.

4.

4. In these circumstances, it is a fit case for remand. Accordingly, the fair and decreetal order dated 18.07.2017 passed in E.I.O.P.No.247 of 2004 is set aside and the matter is remanded back to the ESI Court / Principal Labour Court, Chennai, for fresh adjudication on merits and in accordance with law and by affording opportunities to all the parties concerned. Such an exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.

5. The parties to the appeal are directed not to seek adjournments on flimsy grounds. In the event of adjournment on genuine grounds, the same shall be granted by recording reasons for such adjournments.

6. Accordingly, C.M.A.No.2993 of 2017 stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Presiding Officer,  
The ESI Court, (Principal Labour Court, Chennai).

Copy to:

The Section Officer,  
VR Section,  
High Court, Madras-104.

+1cc to Mr.L.Vivekananthan, Advocate, S.R.No.16520

C.M.A.No.2993 of 2017

SS (CO)  
CB(16/04/2021)