



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2021
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17369 of 2017

Salai Pokkuvarathu Thozilalargal Sangam,
(Regd No.3584/CNI),
Rep. by its Secretary,
No.11, Lawyer Jeganathan Street,
Guindy, Chennai 600 032

... Petitioner

vs.

The Regional Director,
Employees State Insurance Corporation,
Regional Office,
143, Sterling Road,
Nungambakkam, Chennai 600 034

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to consider representation of the Petitioner Trade Union dated 30.1.2017 and to take necessary legal measure to implement and cover Ready Mix Concrete Industries under Employees State Insurance Act.

For Petitioner : Mr.R.Prasadh

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

O R D E R

The petitioner herein had given their representation dated 30.01.2017 to the respondent, requesting to enforce implementation of the ESI benefits to the workers of the Ready Mix Concrete Industry. However, till date, the petitioner's representation has not been considered by the respondent. Aggrieved by the same, the petitioner has approached this Court by way of filing this writ petition.

2. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own



merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation was made on 30.01.2017, it would not be appropriate to direct the respondent to consider the same after a lapse of four years. On the other hand, if the petitioner is granted liberty to give a fresh representation with a consequential direction to the respondent to consider the same, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the respondent, along with a copy of the earlier representation dated 30.01.2017, ventilating their grievances as expeditiously as possible and on receipt of such representation from the petitioner, the respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of the fresh representation made by the petitioner.

5. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sts
To:

The Regional Director,
Employees State Insurance Corporation,
Regional Office,
143, Sterling Road,
Nungambakkam, Chennai 600 034

+1 cc to Mr.T.N.C.Kaushik , Advocate Sr.NO. 67791
W.P.No.17369 of 2017
spd(CO)
A.SK(06.01.2022)