



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)Nos.7601 and 7602 of 2012

and

W.M.P. (MD)Nos.1, 1, 2 and 2 of 2012

Tuticorin Thermal Power Station,
(A Unit of TNEB),
Muthiyapuram Village,
Tuticorin,
Rep. by its Chief Engineer

... Petitioner in both W.Ps.

versus

1. The Deputy Director,
Sub Regional Office,
ESI Corporation,
Municipal Shopping Complex,
Salai Street,
Sinthupunthurai,
Tirunelveli - 1.
2. The Recovery Officer,
ESI Corporation,
Municipal Shopping Complex,
Salai Street,
Sinthupunthurai,
Tirunelveli - 1.
3. The Branch Manager,
Canara Bank,
No.55, Beach Road,
Tuticorin.

...Respondents in both W.Ps.

Prayer in W.P. (MD)No.7601 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned order dated 04.06.2012 passed by the 1st respondent herein in No.66000320240000602/642012254/41/12 and the consequential order of the 2nd respondent herein dated 05.06.2012 made in No.66/RRC/32024, and quash the same.

Prayer in W.P. (MD)No.7602 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned order dated 04.06.2012 passed by the 1st respondent herein in No.66000320240000602/642012313/42/12 and the consequential order of the 2nd respondent herein dated 05.06.2012 made in No.66/RRC/32024, and quash the same.

For Petitioner in
both W.Ps.

: Mr.R.Vijayakumar
for Mr.G.Mohankumar

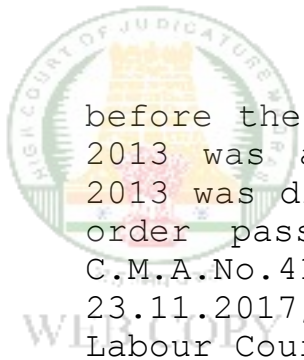
For Respondents
in both W.Ps.

: Mr.N.Dilipkumar,
Standing Counsel for R1 and R2

COMMON ORDER

The petitioner is the unit of Tamil Nadu Electricity Board, which is a statutory Corporation for the benefit of public at large. The first respondent Corporation extended ESI Act to the petitioner institution with effect from 09.07.1979. Therefore, the petitioner had applied for an exemption under Section 90 r/w. 91(A) of the ESI Act. The Government of Tamil Nadu has granted exemption with effect from 09.07.1979 for the permanent employees. However, no such exemption was granted for the contract labourers engaged by the petitioner organization. While so, the 1st respondent has issued orders, vide orders dated 25.01.2012, under Section 45-A of the ESI Act, claiming a sum of Rs.27,58,114/- towards contribution for the period between March 2006 till 2006 and a sum of Rs.1,91,48,255/- towards contribution for the period between January 2007 and September 2011 and. Against the said orders, the petitioner preferred E.S.I.O.P.Nos.6 and 7 of 20 before the Labour Court, Tirunelveli under Section 75 of the ESI Act along with the interlocutory petitions under Section 75 (2B) of the ESI Act, in I.A.Nos.91 and 93 of 2012, seeking waiver of 50% of the amount to be compulsorily deposited for numbering the petition. During pendency of the said petitions, the first respondent passed orders dated 04.06.2012, directing the 2nd respondent to pass garnishee order as against the 3rd respondent Bank to recover a sum of Rs.3,05,94,695/- and Rs.2,59,34,425/-. Pursuant to the same, the 2nd respondent passed orders on 05.06.2012 directing the 3rd respondent to transfer the entire claim amount to the account of ESI Corporation. Aggrieved over the same, the present writ petitions have been filed.

2. Today, when the matters are taken up for hearing, the learned counsel appearing for the petitioner submitted that during the pendency of these writ petitions, both the petitions filed



before the Labour Court were taken up and while E.S.I.O.P.No.6 of 2013 was allowed in favour of the petitioner, ES.I.O.P.No.7 of 2013 was dismissed by the Labour Court. Challenging the dismissal order passed in E.S.I.O.P.No.7 of 2013, the petitioner filed C.M.A.No.418 of 2016 before this Court and this Court, vide order 23.11.2017, allowed the same, by setting aside the order of the Labour Court and remanded the matter back to the ESI authority.

3. In view of the above, nothing survives for adjudication in these writ petitions. Accordingly, both the Writ Petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Deputy Director,
Sub Regional Office,
ESI Corporation,
Municipal Shopping Complex,
Salai Street,
Sinthupunthurai,
Tirunelveli - 1.

+2 CC to Mr.N.DILIPKUMAR, Advocate (SR-6220 & 6221[F] dated 19/02/2021)

+1 CC to Mr.R.VIJAYA KUMAR, Advocate (SR-6282[F] dated 19/02/2021)

W.P. (MD)Nos.7601 and 7602 of 2012
18.02.2021

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