



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

C O R A M

WEB COPY

**THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU**

W.P. (MD) No.465 of 2013

and

M.P. (MD) No.1 of 2013

Tirunelveli Beedi Industries,  
Punniyapuram,  
Puliyangudi-627 855,  
Tirunelveli District,  
Rep.by its Managing Director.

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. By its Principal Secretary to Government,  
Labour and Employment (L1) Department,  
Secretariate, Chennai.

2.The Employees' State Insurance Corporation,  
Tirunelveli-627 001,  
Rep. By its Joint Regional Director.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in G.O.(D)No.510, dated 15.11.2012 and quash the same as illegal.

For Petitioner : Mr. Jerin Mathew  
for Mr. M.E.Ilango

For Respondent 1 : Mr. R.Murugan  
Additional Government Pleader

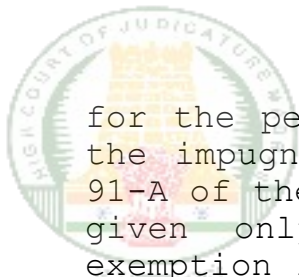
For Respondent 2 : Mr. N.Dilipkumar

**ORDER**

(through video conference)

Heard Mr. Jerin Mathew for Mr. M. E.Ilango, Learned Counsel for the Petitioner, Mr. R.Murugan, Learned Additional Government Pleader appearing for the First Respondent and Mr. N.Dilipkumar, Learned Counsel appearing for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner challenges G.O.(D)No.510, Labour and Employment (L1) Department, dated 15.11.2012 passed by the Government of Tamil Nadu under Section 87 read with Section 91-A of the Employees' State Insurance Act, 1948, refusing to grant exemption to the Petitioner



for the period from 01.06.2010 to 31.12.2011. The reason stated in the impugned order for such rejection is that in terms of Section 91-A of the Employees' State Insurance Act, 1948, exemption could be given only with prospective effect, but the application for exemption itself had been made by the Petitioner only on 14.02.2012 in this case, which is after the lapse of the period for which the application for exemption had been made. There does not appear to be any error in the said reason for rejection of the application for exemption for the relevant period.

3. In fine, the Writ Petition, which is devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**Note: (i)** Issue order copy by 16.06.2021.

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**Ns/ta**

To

1.The Principal Secretary to Government,  
Labour and Employment (L1) Department,  
Secretariate, Chennai.

2.The Joint Regional Director.  
The Employees' State Insurance Corporation,  
Tirunelveli-627 001,

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-17409[F] dated 26/04/2021 )

+1 CC to M/s.SPL GP ( SR-17548[F] dated 26/04/2021 )

+1 CC to M/s.M.E.ILANGO, Advocate ( SR-17706[F] dated 27/04/2021 )

W.P. (MD) No.465 of 2013

23.04.2021

GS (16.06.2021) 2P 6C

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