



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P.(MD) No.473 of 2018

and

WMP(MD)No.474 of 2018

WEB COPY

Ramanathapuram District Sarvodya Sangam,
66, Kanthadai Street,
Srivilliputhur,
through its Secretary

... Petitioner

Vs.

1.The Employees State Insurance Court,
Labour Court,
District Court Complex,
Melur Road,
Madurai 625 020.

2. The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
K.K.Nagar,
Madurai 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the first respondent culminating in order dated 30.11.2017 in I.A.No.309 of 2016 I ESI OP, directing the petitioner to deposit 10% of order amount and quash the same.

For Petitioner	:	Mr.T.Ravichandran
For R2	:	Mr.R.Ravikumar
		Standing Counsel
R1	:	Court

O R D E R

Challenge in this matter is to diary order dated 23.11.2017, in terms of which, the Employees State Insurance Court/R1 has noted that no counter has been filed on the side of the respondents. After hearing both parties, interim application filed by Ramanathapuram District Sarvodya Sangam/the petitioner had come to be ordered directing deposit of 10% of the amount, upon condition of which, the main case was to be admitted and the matter stood adjourned to 30.11.2017.

2. The Proviso to Section 75(2B) of the Employees' State Insurance Act, 1948 provides for statutory deposit of 50% of the amount due from the Employer as a pre-condition for admission of the



appeal. The proviso further states that the Court may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under that sub-section.

3. Though the impugned order is bereft of any reasoning, learned counsel for the petitioner, at the time of hearing, would concede to the position that the direction to deposit of 10% of the demand in guarantor is quite reasonable and hence, he would only seek time of eight (8) weeks to enable the petitioner to remit the amount as directed by the first respondent.

4. Acceding to the request of the petitioner for grant of time, the petitioner is directed to make deposit of 10% of the total demand within eight (8) weeks from today. Upon receipt of the amount, the first respondent shall hear the parties and pass orders in the appeal filed by the petitioner within three(3) months from date of first hearing.

5. This Writ Petition is disposed with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

Note : 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.

To,

1. The Employees State Insurance Court,
Labour Court, District Court Complex,
Melur Road, Madurai 625 020.

2. The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
K.K. Nagar, Madurai 625 020.

W.P. (MD) No.473 of 2018 and

WMP (MD) No.474 of 2018

24.11.2021