



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.12955 OF 2019

K.Gopinath

...Petitioner

Vs

The Director,
Regional Office (Tamil Nadu),
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai - 600 034.

...Respondent

Prayer :- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 09.02.2018 for to sanction monthly pension under the ESI Act to the petitioner for the loss of 70% percentage disability to the right leg caused during the course of employment and pass such further or other may be pleased to direct the respondent to issue a monthly pension to the petitioner for his loss of hearing capacity of his left ear.

For Petitioner : Mr.S.Srinivasan

For Respondent : Mr.S.P.Srinivasan

O R D E R

Heard Mr. S.Srinivasan, Learned Counsel for the Petitioner and Mr. S.P.Srinivasan, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondent to consider the representation dated 09.02.2018 made by the Petitioner to sanction monthly pension under the provisions of the Employees' State Insurance Act, 1948, for the loss of 70% disability caused to his right leg during the course of employment.

3. Learned Counsel for the Respondent, on instructions, states that in terms of Regulation 68 of the Employees' State



Insurance (General) Regulations, 1950, report has to be obtained from the Medical Board through the employer in the prescribed format and submitted to the concerned Branch Office of the Respondent for the relief claimed, but the said requirement has not been followed in this case. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition with liberty to resort to the aforesaid procedure and in the event of any adverse decision, reserves the right of the Petitioner to pursue the legal remedies to impeach the same in accordance with law. He has also made an endorsement to that effect in the court record. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner in this case.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

skr

To

The Director,
Regional Office (Tamil Nadu),
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai - 600 034.

+1cc to Mr.S.P.Srinivasan, Advocate Sr.No.22659

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VG-II(CO)
RVM(09/05/2022)