



W.P.No.22823 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.22823 of 2021 and  
W.M.P.No.24046 of 2021

M/s.The Thudiyalur Cooperative  
Agricultural Services Ltd.,  
Thudiyalur Post,  
Coimbatore - 641 034.

... Petitioner

Vs.

1. The Deputy Director,  
ESI Corporation,  
Ramanathapuram,  
Thudiyalur Post,  
Coimbatore - 641 045.
2. The Assistant Director,  
ESI Corporation (Sub-Regional Office),  
1897, Trichy Road,  
Ramanathapuram,  
Coimbatore - 641 045.
3. The Social Security Officer,  
ESI Corporation,  
Thudiyalur Post,  
Coimbatore - 641 034.

... Respondents



W.P.No.22823 of 2021

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the proceedings of the 2nd Respondent in Ref.No.56000145290001002/Ins I/SRO 287/I, dated 25.08.2021 and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.S.P.Srinivasan for ESI

### **ORDER**

The grievance of the Writ Petitioner is that though the Government has exempted the Writ Petitioner Management from the purview of the Employees State Insurance Act, 1948, vide G.O.Ms.No.2594, Labour Department, dated 19.12.1985, the 2nd respondent /Assistant Director, ESI Corporation (Sub-Regional Office), Ramanathapuram, Coimbatore vide his orders dated 25.08.2021, had directed them to pay the contribution under the Employees State Insurance Act, 1948.



W.P.No.22823 of 2021

WEB COPY

2. It is relevant to extract Section 87 of the Employees State

Insurance Act, 1948 which reads as under:

*“87. Exemption of a factory or establishment or class of factories or establishments:- The appropriate Government may by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment or class of factories or establishments in any specified area from the operation of this Act for a period not exceeding one year and may from time to time by like notification renew any such exemption for periods not exceeding one year at a time. [Provided that such exemptions may be granted only if the employees' in such factories or establishments are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act:*

*Provided further that an application for renewal shall be made three months before the date of expiry of the exemption period and a decision on the same shall be taken by the appropriate Government within two months of receipt of such application.”*



W.P.No.22823 of 2021

WEB COPY

3. In the instant case, the exemption was granted to the petitioner Management for the period from 16.01.1977. The Writ Petitioner did not adduce any evidence to show that exemption was renewed periodically. In the circumstances, the order passed by the 1st respondent is perfectly in order and I do not see any reason to interfere with the same. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**19.12.2023**

Index: Yes/No  
Speaking/Non-Speaking order  
vum



W.P.No.22823 of 2021

WEB COPY

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WEB COPY



W.P.No.22823 of 2021

**R. HEMALATHA, J.**

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