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Review Application No.699 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Review Application No.699 of 2017

in

W.P.No.11219 of 2003

and

W.M.P.No.34036 of 2017

Sree Ayyanar Spinning and Wearing Mills Ltd.,
Unit II, Iluppaikulam,
Madurai District – 625 701,
Rep. By its Manager S.Selvarajan

..Applicant

Vs.

1. Government of India,
Ministry of Labour,
Nirman Bhavan, New Delhi,
Rep. By its Deputy Secretary.
2. Employees State Insurance Corporation,
Rep. By its Director General,
New Delhi.
3. The Regional Director,
Employees' State Insurance Corporation,
143, Sterling Road, Chennai – 600 034.
4. The Deputy Director,
Employees' State Insurance Corporation,
Sub-Regional Officer,
K.K. Nagar, Madurai – 625 020.

..Respondents



Review Application No.699 of 2017

Prayer in Review Application No.699 of 2017: Review Application filed under Order 47 Rule 1 of C.P.C., read with Section 114 of C.P.C., to review the order passed by the Hon'ble High Court in Writ Petition No.11219 of 2003 dated 29.06.2017.

Prayer in Writ Petition No.11219 of 2003: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in Notification No.Nil dated Nil and the consequential orders of the 4th respondent made in No.57/N/15/14/2/2002/BF/IMPLN/SRO/MDU dated 18.11.2002 and quash the same and restrain the respondents from implementing the provisions of the Employees' State Insurance Act, 1948 and also restraining the respondents from initiating any criminal or recovery proceedings in so far as the petitioner's establishment is concerned.

For Review Applicant : Ms.M.Rakshita

For M/s.Kaavya Silambanan

For R1

: Mr.T.L.Thirumalaisamy

Central Government Standing Counsel



ORDER

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The order dated 29.06.2017 passed in W.P.No.11219 of 2003 is sought to be reviewed in the present Review Application.

2. The petitioner is a Spinning and Wearing Mill and filed the review application on the ground that E.S.I Act will be made applicable to the petitioner only from the date of disposal of the writ petition.

3. This Court is of the considered opinion that once the applicability of the ESI Act is determined, then the claim of the petitioner that it is to be applied from the date of disposal of the writ petition is untenable and the competent authorities are bound to assess the contribution to be paid.

4. This Court dismissed the writ petition by stating that the E.S.I Act is applicable to the writ petitioner establishment. Therefore, the grounds raised in the review on merits cannot be adjudicated. The scope of review application cannot be expanded for adjudication of grounds raised on merits. This Court do not find any error apparent on record for the purpose of interfering with the order passed in the year 2017.



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5. Therefore, the petitioner has not made out any acceptable ground for the purpose of reviewing the order.

6. Accordingly, the Review Application No.699 of 2017 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes/No
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S.M.SUBRAMANIAM, J.

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