



C.M.P. (MD)No.1243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.(MD)No.1243 of 2023

and

C.M.A.(MD) No.SR4108 of 2023

The Employees State Insurance Corporation,
(SRO), 4th Main Road,
K.K.Nagar,
Madurai-20.

...Appellant/Respondent

Vs.

M/s.Essargee Mills,
Pethanaickenpatti Road,
Chinnakalayamputhur,
A.Kalayamputhur Post,
Palani-624 615,
rep by its Personnel Officer.

...Respondent/Petitioner

PRAYER in C.M.P.(MD)No.1243 of 2023: This Civil Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code to condone the delay of 670 days in filing the above civil miscellaneous appeal against the decree and judgment passed in E.S.I.O.P.No.25 of 2018 dated 15.11.2018 on the file of ESI Court (Labour Court), Madurai.

PRAYER in C.M.A.(MD)No.SR4108 of 2023: This Civil Miscellaneous Appeal is filed under Section 82 of ESI Act, 1948 to set aside the decree and judgment



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dated 15.11.2018 passed by ESI Court (Labour Court) Madurai in E.S.I.O.P.No.25 of 2001 as illegal and against law and allow this appeal.

For Petitioner : Mr.I.Pinaygash

ORDER

This application has been filed to condone the delay of 670 days in filing the Civil Miscellaneous Appeal against the order and decree dated 15.11.2018 passed in E.S.I.O.P.No.25 of 2018 on the file of ESI Court (Labour Court), Madurai.

2.The reason stated in the application is that after pronouncing of the order by the trial Court, the corporation applied for certified copy of the judgment for filing the appeal. Hence, the delay was occurred.

3.On perusal of the entire affidavit, except the said reason, no other sufficient reasons whatsoever have been given by the petitioner and this Court is of the view that the reasons assigned in the affidavit are vague in nature and no details have been given as to the nature of the delay on the administrative side.



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What is fitted against the common man is equally fitted against the Government agencies. They cannot sleep over the files and come to the Court of law with huge delay merely stating that there is an administrative delay and the same cannot be condoned mechanically without any proper reasons.

4.For the reasons stated above, this Court does not find any merit in this petition and accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the Civil Miscellaneous Appeal is also rejected at the SR stage itself. No costs.

07.06.2023

Index : Yes/No
NCC : Yes/No
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N.SATHISH KUMAR, J.

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To

- 1.The ESI Court (Labour Court), Madurai.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

C.M.P.(MD)No.1243 of 2023
and
C.M.A.(MD) No.SR4108 of 2023

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