



C.R.P.(MD) No.1703 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P.(MD) No.1703 of 2023

and

C.M.P(MD) No.8516 of 2023

M/s.Vivekananda Matriculation
Higher Secondary School,
Pasupathipalayam, Karur,
Rep by its Secretary

... Petitioner

Vs.

1.The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem.

2.The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem.

... Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to
set aside the order in I.A.No.1 of 2019 in E.S.I.O.P.SR.No.47 of 2019



C.R.P.(MD) No.1703 of 2023

dated 16.10.2019 on the file of learned Employees Insurance Court (Labour Court), Thiruchirappalli.

For Petitioner : Mr.M.Suri

For Respondents : Mr.C.Karthik

ORDER

This civil revision petition is preferred as against the order passed in I.A.No.1 of 2019 in E.S.I.O.P.SR No.47 of 2019 dated 16.10.2019 on the file of the learned learned Employees Insurance Court (Labour Court), Thiruchirappalli.

2. The above interlocutory application in I.A.No.1 of 2019 is preferred by the petitioner herein in which it is stated that the ESIOP filed by the petitioner on 02.08.2017 was returned for compliance of certain defects and since the returned bundle got mixed with other disposed bundles in the office of the Advocate of the petitioner, the same could not be traced. Therefore, the above petition was filed to condone the delay of 522 days. The same was resisted on the side of the



C.R.P.(MD) No.1703 of 2023

respondent by stating that the petitioner has not given any acceptable reason to condone the delay. When the matter was posted for enquiry on 17.09.2019, there was no representation on the side of the petitioner and the respondent's side was heard. However, the Trial Court after perusing the averments made in the petition and in the counter affidavit, allowed the said application on payment of costs of Rs.2,000/-. Since the said order was not complied with, the above petition was dismissed. Against which, the present revision is preferred.

3. The learned counsel appearing for the petitioner would submit that the Labour Court failed to appreciate the reasons given by the petitioner for the delay in representing the petition. He would also submit that the Labour Court failed to consider the fact that the above petition was filed by a non-profit institution/School. If the petition is not entertained, it would cause great hardship and prejudice to the petitioner herein. Hence, he prays for allowing this revision petition.



C.R.P.(MD) No.1703 of 2023

WEB COPY

4. Per contra, the learned counsel appearing for the respondent would submit that there is no merit in this revision petition and the reason attributed for the delay is false and only imaginary and no acceptable reason for condoning the delay is given by the petitioner. Hence, the revision petition is devoid of merits and no interference calls for in the order passed by the Labour Court.

5. During the course of the arguments, the learned counsel for the petitioner filed a memo stating that as per the order of this Court dated 18.07.2023 in CMP(MD) Nos.8516 and 8517 of 2023, the petitioner has deposited a sum of Rs.2,00,000/- by a demand draft dated 27.07.2023 and the same has been acknowledged by the respondent. However, the said amount is a contribution to the respondent, for the total amount of Rs.8,95,357/-.

6. Considering the facts and circumstances of the case and in the interest of justice, and also opportunity should be given to the parties to put forth their case to have a fair adjudication on the issue in the dispute,



C.R.P.(MD) No.1703 of 2023

WEB COPY this civil revision petition is liable to be allowed. Therefore, the order dated 16.10.2019 passed in I.A.No.01 of 2019 by the Labour Court, Tiruchirappalli, is set aside. However, the lethargic attitude of the petitioner is also taken into consideration, even inspite of a conditional order was passed by the Labour Court, Trichirappalli, the petitioner failed to comply with the order in the above petition. Therefore, this Court directs the petitioner to pay the cost of Rs.5,000/- to the District Legal Services Authority, Tiruchirappalli. In the event of payment of costs, the Labour Court, Trichirappalli, is directed to number the E.S.I.O.P and to dispose of the same on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order. Accordingly, this Civil Revision Petition is allowed on the above terms. No costs. Consequently, connected miscellaneous petition is allowed.

01.08.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



WEB COPY



C.R.P.(MD) No.1703 of 2023



WEB COPY



C.R.P.(MD) No.1703 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

cp

To

The Employees Insurance Court (Labour Court),
Thiruchirappalli.

C.R.P.(MD) No.1703 of 2023

Dated: 01.08.2023