



WEB COPY



C.M.A.No.1892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.1892 of 2021 and
C.M.P. No.10234 of 2021

1.The Deputy Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34.

2.The Recovery Officer,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34.

.. Appellants

Vs.

M/s.Hotel Bombay Diamond,
Arcot Road,
Vellore-4.

.. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 82(2) of ESI Act against the order of the Principal Labour Court, Vellore dated 18.01.2021 made in I.A. No.1 of 2020 in E.S.I.O.P. No.1 of 2018.

For Appellants : Mr.G.Bharadwaj

For respondent : Mr.Dhalapathy Vignesh Kumar



C.M.A.No.1892 of 2021

JUDGMENT

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This appeal has been filed challenging the impugned order dated 18.01.2021 passed by the Principal Labour Court, Vellore.

2.The appellants had filed I.A. No.01 of 2020 in E.S.I.O.P. No.01 of 2018 seeking for reception of additional documents and also for filing additional counter. The Principal Labour Court, Vellore has partly allowed I.A. No.01 of 2020 filed by the appellants and has permitted them to file the additional documents as prayed for, but their request for filing additional counter to incorporate the contents of the additional documents has been rejected.

3.As seen from the impugned order, there became a necessity for the appellants to file I.A. No.01 of 2020 before the Principal Labour Court due to the fact that there were additional documents to be filed which were not filed earlier. According to the appellants, if the said additional documents are allowed to be received, the claim made by the respondent will have to be rejected.



C.M.A.No.1892 of 2021

WEB COPY

4. When the Principal Labour Court, Vellore has permitted the appellants to file additional documents under the impugned order, necessarily the Court should have permitted the appellants to file additional counter to enable them to incorporate the contents of the additional documents. By total non-application of mind, the impugned order has been passed rejecting the right of the appellants to file additional counter despite the fact that the Principal Labour Court, Vellore has permitted the appellants to file additional documents as prayed for in I.A. No.01 of 2020.

5. In view of the same, I.A. No.01 of 2020 filed by the appellants before the Principal Labour Court, Vellore ought to have been allowed in entirety and ought not to have been partly allowed permitting the appellants to file additional documents alone and not permitting them to file additional counter.

6. For the foregoing reasons, the impugned order of the Principal Labour Court, Vellore dated 18.01.2021 passed in I.A. No.01 of 2020 in



C.M.A.No.1892 of 2021

E.S.I.O.P. No.01 of 2018 is hereby set aside and this appeal is allowed and the relief sought for by the appellants before the Principal Labour Court, Vellore in I.A. No.01 of 2020 in E.S.I.O.P. No.01 of 2018 is allowed in entirety.

7.The appellants are permitted to file additional documents as prayed for in I.A. No.01 of 2020 in E.S.I.O.P. No.01 of 2018 and they are also permitted to file additional counter in the main claim filed by the respondent before the Principal Labour Court, Vellore. The appellants are permitted to file the additional documents and the additional counter within a period of two weeks from the date of receipt of a copy of this order. The Principal Labour Court, Vellore shall dispose of the main E.S.I.O.P. No.01 of 2018, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected C.M.P. stands closed. No costs.

12.04.2024

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C.M.A.No.1892 of 2021

To

1. The Principal Labour Court,
Vellore.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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C.M.A.No.1892 of 2021

ABDUL QUDDHOSE, J.

vga

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