



WP.(MD)No.17787 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.17787 of 2022
and
WMP.(MD)No.12977 of 2022

The District Livestock Farm,
Rep.by its Deputy Director,
Abisekapatti,
Tirunelveli District.

... Petitioner

Vs.

1.The Regional Director,
Employee's State Insurance Corporation,
No.143, Sterling Road,
Chennai 600 034.

2.The Assistant Regional Director,
Employee's State Insurance Corporation,
Municipal Shopping Complex,
Salai Street, Sindupoonurai,
Tirunelveli District.

3.The Recovery Officer,
Employee's State Insurance Corporation,
Salai Street, Sindupoondurai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in I.A.No.3 of 2019 in unregistered ESIOP. by the Labour Court, Tirunelveli dated 29.04.2022 and



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quash the same and further direct the learned Labour Court Judge, Tirunelveli to exercise discretion granted to the learned Court as per Section 75(2B) of the Employee's State Insurance Act by taking into consideration of all relevant facts, take cognizance of the ESIOP by waiving amount to the deposited and dispose of the Original Petition within the time frame as fixed by this Court.

For Petitioner : Mr.C.Venkatesh Kumar,
Special Government Pleader

For Respondents : Mr.R.Ravindran

ORDER

The petitioner is a livestock farm run by the Government. This writ petition has been filed as against the interim order passed by the Labour Court, Tirunelveli in I.A.No.3 of 2019 in unregistered ESIOP. The petitioner unit has filed the above petition before the Tribunal that they are not covered under the Employee's State Insurance Act[hereinafter referred as 'ESI Act']. However, a notice has been issued by the ESI corporation determining the contribution liable to be paid by the petitioner under Section 45A of ESI Act as Rs.78,830/- for the period from 01.08.1984 to 30.09.1986. Aggrieved by this order the petitioner unit has preferred an application before ESI Court that they are not covered under ESI Act. The said application can be taken on



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file only on payment of 50% of the amount due. Therefore, an application has been filed to waive 50% of the amount, under Section 75(2B) of ESI Act. On this interim application filed by the petitioner, ESI Court has passed an order directing the petitioner to deposit 25% of the levy amount, ie., 4,95,900/- by an order dated 29.04.2022. This order directing the petitioner to deposit a sum of Rs.4,95,900/- has been challenged in this writ petition that the petitioner farm will not come under the purview of ESI Act. This Court has also entertained this petition and granted interim order of stay.

2.The learned Special Government Pleader appearing for the petitioner submits that the Tamil Nadu Government is having 11 such similar livestock farms all over the State and none of the said farms were brought under the ESI Act. While so, the first respondent has issued a show cause notice to the petitioner farm dated 03.03.1987 for compliance under ESI Act and has also passed an order under Section 45-A of ESI Act by determining the contribution as Rs.78,830/- for the period from 01.08.1984 to 30.09.1986. According to the learned Special Government Pleader, this livestock farm is not within the form of a factory or an establishment and it is a non profitable organization functioning with service motive. The workers were also engaged on daily wage basis depending upon the work.



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3.The learned counsel appearing for the respondents submits that the petitioner farm is already covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and therefore, it is automatically covered under ESI Act also.

4.This Court has considered the submissions made on either side and perused the available records.

5.The Employee's State Insurance Corporation has determined contribution liable to be paid by the petitioner farm for the period from 01.08.1984 to 30.09.1986 and has also passed an order under Section 45-A of ESI Act. It has been challenged by the petitioner farm before the ESI Court. The ESI Court has passed a conditional order to deposit 50% of the amount, within a month. Exemption has been sought for by the petitioner and the same was also granted by the ESI Court, on 29.04.2022 by directing the petitioner to deposit 25% of the amount, instead 50%. Aggrieved by the same, this writ petition has been filed.

6.This writ petition is pending for the past three years and therefore, in order to give quietus to this issue, this Court permits the petitioner to deposit 5% towards contribution arrived under Section 45-A of ESI Act. The Labour



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Court, Tirunelveli shall take a decision on the matter without any delay, preferably, within a period of four months from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Regional Director,
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- 2.The Assistant Regional Director,
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Municipal Shopping Complex,
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Salai Street, Sindupoondurai,
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- 4.The Labour Court,
Tirunelveli.



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