



W.P.(MD) No.19936 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.19936 of 2019

and

W.M.P.(MD) Nos.16439 & 16440 of 2019

A1301 Madurai District
Cooperative Milk
Producers Union Ltd., (Aavin)
rep.by through its General Manager
Sathamangalam, Madurai-20

... Petitioner

-vs-

1.Principal Secretary to Government
Labour and Employment (L1) Department
Fort St.George, Chennai-9

2.The Deputy Director
Employees State Insurance Corporation
2, West Street, K.K.Nagar, Madurai 20

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the notice of the second respondent in No.57-00-005230-000-0009/INS. 11/SRO/MDU/351/19, dated 01.08.2019 and quash the same and direct the second respondent not to proceed further pending disposal of the proposals



W.P.(MD) No.19936 of 2019

WEB COPY

for exemption forwarded to the first respondent and also direct the first respondent to dispose of the proposals forwarded to the first respondent for granting exemption for the period from 01.06.2010 to 31.05.2015 in reference No.2750/IR/2012, dated 19.12.2012.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.R.Ragavendran
Government Advocate for R1
Mr.R.Ravindran for R2

ORDER

This writ petition has been filed by the petitioner – Union aggrieved by the impugned show cause notice dated 01.08.2019, issued by the second respondent, calling upon them to show cause as to why an order under Section 45-A of the Employees' State Insurance Act, 1948 (in short, “the Act, 1948”) shall not be passed against them for the period from April, 2014 to March, 2015, for a total sum of Rs.1,37,33,918/-.

2. The main grievance of the petitioner – Union in this writ petition is that they have already submitted an application to the first respondent under Section 88 read with 91-A of the Act, 1948, seeking exemption from the application of the provisions of the said Act to them as



W.P.(MD) No.19936 of 2019

WEB COPY

early as in the year 2012. However, the said application is still kept pending with the first respondent, though their claim was considered for exemption for the previous as well as the subsequent years upto date, including through the Government Order issued in G.O.(D) No.580, Labour Welfare and Skill Development (L1) Department, dated 09.08.2024. A copy of the application said to have been submitted by the petitioner – Union seeking exemption for the period commencing from 01.06.2010 to 31.05.2015 is placed before this Court at Page No.30 of the typed set of papers. If that be the case, it is obligatory on the part of the first respondent to consider the said application.

3. Considering the fact that the petitioner – Union was granted exemption for the years prior to the impugned year 2014 – 2015 and the subsequent years as well, this Court is of the considered view that it would be appropriate to direct the first respondent to consider the application dated 19.12.2012 said to have been submitted by the petitioner – Union under Section 88 read with 91-A of the Act, 1948, seeking exemption from the application of the provisions of the said Act to them.

4. In the light of the above, this writ petition is disposed of directing the first respondent to consider the application, dated 19.12.2012



W.P.(MD) No.19936 of 2019

WEB COPY

submitted by the petitioner – Union, under Section 88 read with 91-A of the Act, 1948, seeking exemption from the application of the provisions of the said Act for the impugned year 2014 – 2015 to them and pass appropriate orders therein as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order.

5. The petitioner – Union is also granted liberty to furnish a copy of the application said to have been submitted by them to the first respondent within a period of two weeks from the date of receipt of a copy of this order.

6. Till appropriate orders are passed on the exemption application submitted by the petitioner – Union, the proceedings that are initiated by the second respondent, through the impugned show cause notice, shall not be proceeded further. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2025

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

krk

Page 4 of 6



W.P.(MD) No.19936 of 2019

WEB COPY

To:
The Principal Secretary to Government,
Labour and Employment (L1) Department,
Fort St.George, Chennai-9.



WEB COPY



W.P.(MD) No.19936 of 2019

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.19936 of 2019
and
W.M.P.(MD) Nos.16439 & 16440 of
2019

21.03.2025