



CRP(MD). No.2474 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/09/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2474 of 2025

M/s.Sri Parasakthi College For Women
Courtalam,
Tirunelveli District - 627 802,
Through its Secretary.

... Petitioner

Vs

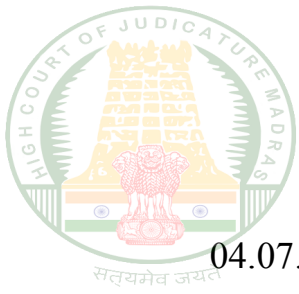
1. Employees State Insurance Coporation,
Sub-Regional Office,
Panchdeep Bhavan, ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli -627 003
Throguh its Joint Director.

2. The Recovery Officer,,
Employees State Insurance Corporation,
Sub Regional Office,
Panchdeep Bhavan, ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli -627 00.

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to call for the records relating to the impugned order dated



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04.07.2025 in I.A.No. 2 of 2024 in E.S.I.O.P. Sr. No. 10 of 2024 on the file of the Employees Insurance Court (Labour Court), Tirunelveli and set aside the same.

For Petitioner : Mr. V.R.Shanmuganathan,
Advocate.
For Respondent : Mr.C.Karthik

ORDER

This Civil Revision Petition is filed to call for the records relating to the impugned order dated 04.07.2025 in I.A.No. 2 of 2024 in E.S.I.O.P. Sr. No. 10 of 2024 on the file of the Employees Insurance Court (Labour Court), Tirunelveli and set aside the same.

2. Learned counsel appearing for the petitioner would submit that the petitioner had been visited with an order passed by the respondent which he had challenged before the Court as per the provisions of the ESI Act. He would submit that Section 75 of the ESI Act even though mandates that 50% of the amount should be deposited by proviso to Section 75(2B), the Court, in appropriate case, can grant waiver of the said deposit. He would submit that the petitioner being an Educational



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Institution for Women, and also being an aided institution functioning under the control of a temple seeks for waiver of the pre-deposit.

Without considering the case on merits, the Court below had dismissed the petition by holding that the petitioner having approached this Court in Writ Petition challenging the very same impugned order, cannot maintain the petition. He would submit that the writ petition filed by the petitioner is only for a direction to forbear the respondents from making the demand before the disposal of the statutory appeal filed by it before the Court below. Therefore, the reasoning given by the Court would have to be set aside and the Court below shall be directed to consider the claim of the petitioner for waiver on its own merits and in accordance with law.

3. Countering his argument, Mr. C.Karthik, learned counsel for the respondents would submit that the Court had directed the petitioner to produce copy of the affidavit and the writ petition for verification of the prayer in the writ petition. The petitioner having failed to produce such documents, cannot be said to be aggrieved against the order passed by the Labour Court. He would further submit that grant of waiver is not a



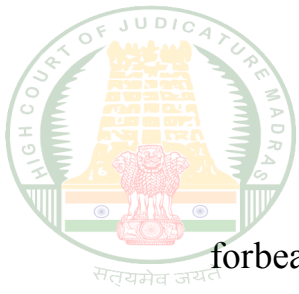
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matter of right and it is a discretion of the Court below. Hence he would submit that it is mandatory that the petitioner should have to deposit 50% of the amount of the contribution determined and therefore there is no merit in the petition and he seeks dismissal of the writ petition.

4. I have considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent.

5. The case of the petitioner is seeking for a waiver as provided under the proviso to Sub-Section (2B) of Section 75 of the Employees State Insurance Act. A perusal of the said provisions would indicate that when the principal employer approaches the Employees' Insurance Court, the same should be entertained only on a deposit of Rs.50% of the amount due from him as claimed by the corporation. A proviso has been appended to the said provision that for the reasons to be recorded in writing, the said 50% provided could be waived or reduced by the Court.

6. The petitioner had approached this Court by instituting WP(MD)No.30128 of 2023 seeking for an relief of Mandamus

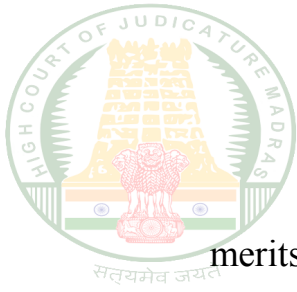


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forbearing the respondents from giving effect to the order impugned before the ESI Court during the disposal of the proceedings initiated by it under Section 75 of the ESI Act. He had also sought for an interim relief. The said interim order passed by this Court had been placed on record and has also been noted to by the Court below in the impugned order.

7. A perusal of the impugned order itself would show that the prayers in both the writ miscellaneous petitions and the writ petition had been recorded. Therefore, this Court is of the view that it was unnecessary for the petitioner to produce the affidavit and the writ petition for verification of the prayer. In such an event, the rejection of the petition on the ground that the petitioner already challenged the proceedings before this Court, is wholly misconceived.

8. For the aforesaid reasons, the order impugned is set aside and consequently this Civil Revision Petition stands allowed. I.A.No.2 of 2024 in unregistered ESIOP. SR 10 of 2024 shall stand restored to the file of the ESI Court, Tirunelveli, with a direction to dispose the same on



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merits and in compliance with Section 75(2B) Proviso, within a period of four weeks from the date of receipt of a copy of this order. No cost.

Consequently, connected miscellaneous petition stands closed.

10.09.2025

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

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To

1. Employees State Insurance Coporation,
Sub-Regional Office, Panchdeep Bhavan, ESIC Complex,
Salai Street, Vannarpettai, Tirunelveli -627 003
Throguh its Joint Director.

2. The Recovery Officer,
Employees State Insurance Corporation,
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Bhavan, Esic Complex, Salai Street, Vannarpettai,
Tirunelveli -627 00.

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K.KUMARESH BABU , J.

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ORDER
IN
CRP(MD) No.2474 of 2025

Date : 10/09/2025