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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of June Two Thousand and Twenty Five

PRESENT

The Hon'ble Mr.Justice R.VIJAYAKUMAR

Rev.Aplc.(MD)No.95 of 2025

in

C.M.A(MD)No.470 of 2017

1.The Deputy Director,

Employees State Insurance Corporation,

Sub Regional Office,

Tallakulam,

Madurai-625 002.

2.The Recovery Officer,

ESI Corporation,

4th Main Road,

K.K.Nagar,

Madurai-625 020.

... Petitioners/ Appellants/ Respondents

Vs.

R.Jayamanohar

... Respondent/ Respondent/ Petitioner



Prayer in Rev.Aplc(MD)No.95/2025: Review Application filed U/S Order 47 Rule 1 & 2 of CPC r/w 114 of CPC, to review the impugned order in C.M.A(MD)No.470 of 2017, dated 17.04.2024 on the file of the Madurai Bench of Madras High Court.

Prayer in CMA(MD)No.470/2017: Civil Miscellaneous Appeal is filed under Section 82 (2) of ESI Act, 1948, to set aside the decree and judgment of the ESI Court, (Labour Court), Madurai passed in E.S.I.O.P.No.59 of 2005, dated 09.11.2016 and allowed the above Civil Miscellaneous Appeal.

ORDER:

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.I.Pinaygash, Advocate for the Petitioners and Mr.C.Sankar Prakash, Advocate for the Respondent this Court made the following order:

The present review application has been filed seeking to review the order passed by this Court in C.M.A(MD)No.470 of 2017, dated 17.04.2024.

2.The above said appeal was filed by the ESI Corporation challenging the order of the Labour Court in E.S.I.O.P.No.59 of 2005, dated 09.11.2016. This Court has allowed the appeal on the ground that the employees have not been impleaded



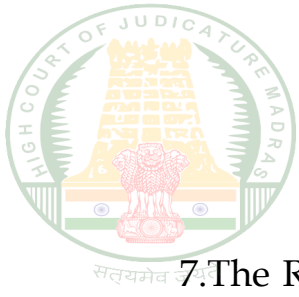
to E.S.I.O.P.No.59 of 2005 and the Labour Court has passed an order without
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hearing the beneficiaries. In paragraph No.8 of the order, this Court has granted
liberty to the ESI Corporation to implead the employees.

3.The present review application has been filed by the ESI Corporation
expressing some difficulty in identifying the employees. Therefore, a request is
being made that, instead of ESI Corporation, the employer may be directed to
implead the employees.

4.Heard the learned Counsels on either side and perused the materials
available on record.

5.Considering the above said request, the last line in paragraph No.8 shall be
substituted as follows: "Liberty is granted to the employer to implead the
employees, who are beneficiaries under the Act and thereafter, proceed with the
enquiry."

6.The Registry is directed to issue fresh order copy.



7.The Review Application stands allowed to the extent as stated above. There shall be no order as to costs.

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Sd/-
Assistant Registrar (C.S. I)

/ /2025
Sub Assistant Registrar
(CS-I / II / III / IV)

To

1.The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
Tallakulam,
Madurai-625 002.

2.The Recovery Officer,
ESI Corporation,
4th Main Road,
K.K.Nagar,
Madurai-625 020.

+ 1CC.Mr.I.Pinaygash, Advocate (SR.No.36962 dated 25/06/2025)



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ORDER DATED : 24/06/2025

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ORDER

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Rev.Aplc.(MD)No.95 of 2025

in

C.M.A(MD)No.470 of 2017

Giving direction and etc.

as stated within.

SB/17.07.2025 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023