



WEB COPY

WP No. 23945 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.23945 of 2026

and

W.M.P.No.26012 of 2026

Meena Subramani,

..Petitioner

Vs.

1. The Employees' Compensation
Commissioner/Labour Commissioner,
Office of the Commissioner of Labour,
Kuralagam, Chennai - 600 108.
2. Hiyoshi India Ecological Services Pvt Ltd.,
Rep. by its Authorised Signatory,
Module No.201 and 202, Phase I, 2nd Floor,
TICEL Biopark Limited,
Taramani Road (CSIR Road), Taramani,
Chennai - 600 113.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in E.C.No.54/2025 on the file of the Employees' Compensation Commissioner / Labour Commissioner, Chennai (1st respondent) and quash the impugned order dated 06.02.2026 passed therein, being illegal, arbitrary, unreasoned and in violation of the principles of natural justice and consequently restore E.C.No.54/2025 on the file of the 1st respondent and direct its disposal on merits and in accordance with law within a reasonable time-frame as may be fixed by this Court.



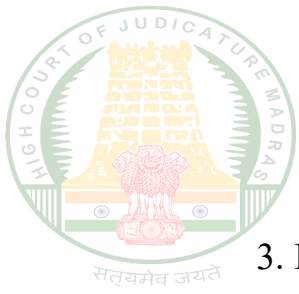
For Petitioner : M/s.Anish Gopi

WEB COPY For Respondents: Mr.R.Chakkaravarthy, Govt. Counsel for R-1

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus calling for the records in E.C.No.54/2025 on the file of the Employees' Compensation Commissioner/Labour Commissioner, Chennai (1st respondent) and quash the impugned order dated 06.02.2026 passed therein, being illegal, arbitrary, unreasoned and in violation of the principles of natural justice and consequently restore E.C.No.54/2025 on the file of the 1st respondent and direct its disposal on merits and in accordance with law, within a reasonable time-frame as may be fixed by this Court.

2. The petitioner is the mother of the deceased S.Dinesh Kumar. She filed E.C.No.54 of 2025 before the Labour Court seeking compensation on account of the death of the petitioner's son. (The cause title of the Labour Court order reads as Smt.D.Meena Subramaniam, wife of Late S.Dinesh Kumar, however, late S.Dinesh Kumar is the son of D.Meena Subramani, the petitioner herein). The employees' compensation petition was dismissed on the ground that there is a bar under Section 53 of the Employees' State Insurance Act, prohibiting the grant of compensation, when once the employee is covered under the ESI Act.



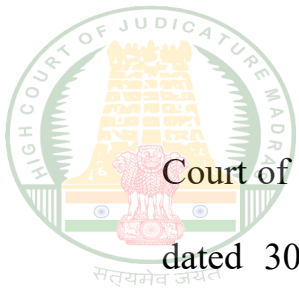
3. It is not in dispute that the insured person under ESI Act, can challenge the compensation only from the concerned ESI authority, and cannot seek any compensation under any other enactment including the Workmen's Compensation Act.

4. Learned counsel appearing for the petitioner has produced a letter dated 30.10.2024 issued by the ESI Corporation, signed by the Assistant/Deputy Director (Benefits), which reads as follows:

"In respect of above said matter you are hereby informed that the above case **has not been admitted** as on the day of accident the DIP was not an employee u/s.2(9) of the ESIC Act owing to wages more than ESIC Ceiling i.e. Rs.21,000/-. The same may be informed to the family members accordingly.

This is being issued with the approval of Additional Commissioner & Regional Director."

5. The deceased Dinesh Kumar is not covered under the ESI Act. Admittedly, learned counsel submitted that the said letter dated 30.10.2024 reflecting that the deceased would not fall within the ESI Act, was not available, when the petitioner approached the Labour Court seeking compensation. In view of the same, the impugned order is hereby set aside and restored to the



Court of Joint Commissioner of Labour. The said Court shall consider the letter dated 30.10.2024, reflecting that the deceased Dinesh Kumar was not an employee covered under the ESI Act. Accordingly, order be passed afresh. The Writ Petition is allowed. The first respondent shall pass order after considering the matter afresh and if required, due procedure for trial shall be followed. There shall be no order as to costs. Consequently, the Miscellaneous Petition is closed.

(K.SURENDER, J)
29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cs

To
The Employees' Compensation Commissioner/Labour Commissioner,
Office of the Commissioner of Labour,
Kuralagam, Chennai - 600 108.



WEB COPY

WP No. 23945 of 2



K.SURENDER, J

CS

W.P.No.23945 of 2026

29-06-2026