



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRP No. 6597 of 2025

Saravana Hospital,
Rep by its Proprietor,
Dr. Saravana Kumar, S/o Ramasamy.C, ,
No 89, Trichy Road, Ganesapuram,
Namakkal 637 001.

..Petitioner(s)

Vs

1. The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
No 39/57, Theerthamalai Vaniga Valagam,
3 Roads, Salem 636009.
2. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office,
No.39/57 Theerthamalai Vaniga Valagam,
3rd Road, Salem 636 009.

..Respondent(s)

Prayer: Civil revision petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 03-07-2025 passed by the Presiding officer, Employees State Insurance Court (Labour Court) at Salem in IA.No.2 of 2025 in un-numbered ESIOP.No. Of 2025.

For Petitioner(s):	Mr.D.Vairamoorthy
For Respondent(s):	Mr.M.Nirmal Kumar

ORDER

Civil Revision Petition is filed challenging the order passed by the Employee State Insurance Court (Labour Court) at Salem dated 03.07.2025 in IA.No.2 of 2025 in un-numbered ESIOP.No. of 2025.



2.The Tribunal, vide the order impugned herein, rejected the application filed by the petitioner. The prayer in that application was to condone a significant delay of 2339 days in filing the appeal

3.The learned counsel for the petitioner submitted that the relevant Act contains no provision for the condonation of delay, leaving the petitioner no option but to approach this Court under Article 227 of the Constitution of India. The counsel argued that this Court should interfere in the matter considering the merits of the case. Alternatively, the learned counsel submitted that a sum of ₹5,75,596/- has already been realised by the Corporation and prayed that the petitioner should be considered for the benefits of an existing amnesty scheme or be permitted to pay the remaining amount in instalments.

4.Mr.M.Nirmal Kumar , learned counsel takes notice on behalf of the respondents.

5.This Court has considered the submissions made by the learned counsel for the petitioner. It is evident from the fair order passed by the Tribunal itself that the legal position has since been settled, Section 5 of the Limitation Act, 1963, is not applicable to proceedings before the ESI Court. In that view of the matter, once the statutory limitation period of three years has expired, the ESI Court lacks the jurisdiction to entertain an application for condonation of delay.



Therefore, the original order passed under Section 45A of the ESI Act has attained finality, and the prayer made in the present Civil Revision Petition cannot be countenanced.

6.However, concerning the alternative submission made by the petitioner relating to the applicability of an amnesty scheme or the request for payment in instalments, liberty is granted to the petitioner to make a formal representation to the respondents in this regard. As and when such a representation is made, the same shall be considered on its own merits and in accordance with the law.

7.It is needless to mention that this Court is not expressing any opinion with reference to the applicability of the amnesty scheme or the number of instalments that can be granted. It is for the respondents to consider the same.

8.Keeping such liberty open to the petitioner, the Civil Revision Petition stands dismissed. No costs.

05-01-2026

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

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D.BHARATHA CHAKRAVARTHY, J.

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To

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