
(2006) 12 MAD CK 0002

In the Madras High Court

Case No : Civil Revision Petition (NPD) No. 2000 of 2005 and C.M.P. No. 17799 of 2005

N.S.R. Elkemet (P) Ltd.

APPELLANT

Vs

Employees State Insurance Corporation

RESPONDENT

Date of Decision : 06-12-2006

Acts Referred:

Employees State Insurance Act, 1948 — Section 78

Citation : (2007) 2 LLJ 777

Hon'ble Judges : S. Tamilvanan, J

Bench : Single Bench

Advocate : M. Aravind Subramanian, for the Appellant; K.C. Ramalingam, for the Respondent

Final Decision : Allowed

Judgement

S. Tamilvanan, J.—This Civil Revision Petition is directed against the order, dated 27.09.2005, made in C.M.P. No. 414 of 2005 in

E.I.O.P.S.R. No. 7672 of 2005 on the file of the Principal Labour Judge at Chennai.

2. As per the impugned order, dated 27.09.2005, the E.S.I. Court / Principal Labour Court, Chennai, dismissed the C.M.P. No. 414 of 2005, in

E.I.O.P.S.R. No. 7672 of 2005, on the ground of non compliance of the earlier order passed by the court below, similarly, I.A. No. 414 of 2005,

filed u/s 78 of E.S.I Act was also dismissed. Aggrieved by the said orders, the Civil Revision Petition has been filed by the petitioner / plaintiff,

stating that the petitioner / company is not covered u/s 29 of E.S.I. Act, since the employees were less than 20.

3. The learned Counsel further contended that the petitioner had paid the entire amount, though the company fell within the ambit of Section 2(9) of

E.S.I. Act. Subsequently, after filing of the Civil Revision Petition, this Court, by order, dated 10.11.2005, passed in C.M.P. No. 17799 of 2005

in C.R.P. No. 2000 of 2005, has granted interim stay, on condition that the petitioner pays 25% of the amount demanded by the respondent,

within a period of two weeks from the date of receipt of a copy of this order and another 25%, within a period of two weeks thereafter. The

learned Counsel appearing for the petitioner further contended that the said order passed by the Court has been complied with by the petitioner

and in support of his contention, he produced the original receipts for verification and the said fact has not been disputed by the learned Counsel

for the respondent.

4. In view of the compliance of the interim order, there is no objection from the learned Counsel for the respondent in allowing the Civil Revision

Petition, so as to enable the Employees' State Insurance Court / Principal Labour Court, Chennai, to dispose the same according to law.

Accordingly, this Civil Revision Petition is allowed and the Employees' State Insurance Court / Principal Labour Court, Chennai is directed to

number the E.S.I.O.P. and decide the same according to law. However, there is no order as to costs. Consequently, connected C.M.P. No.

17799 of 2005 is closed.