



C.R.P.No.4583 of 2023

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WEB C **M.NIRMAL KUMAR, J.**

The petitioner has filed an interim application in I.A.No.3 of 2022 in ESI OP CFR No.4671 of 2022 under Section 5 of the Limitation Act seeking to condone the delay of 84 days in filing the appeal. The learned Presiding Officer, Principal Labour Court, Coimbatore, by order dated 31.05.2023 dismissed the I.A. for the reason that the limitation has been specifically provided in Section 82 of the Employees' State Insurance Act, 1948 ('ESI Act'), hence to be construed that the applicability of the same is not provided for any other provision of ESI Act, viz., Sections 75 and 77(1A) of the Act and dismissed the condone delay petition by order dated 31.05.2023, against which, the present revision filed.

2.Mr.S.P.Srinivasan, learned Standing Counsel appearing for the respondents 1 and 2 (ESI) submits that Civil Revision Petition would not lie in case of orders passed by the ESI Court. As per Section 82(2) of the Act only an appeal shall lie to the High Court against an order passed by the ESI Court and not a revision. Hence, opposed the same.



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3.This Court finds that there are points to be deliberated. In view of the same, this Civil Revision Petition is admitted.

4.Notice to the respondents 3 and 4 returnable by 05.06.2024. Private notice is also permitted.

5.Today, Mr.S.P.Srinivasan, learned Standing Counsel (ESI) receives the copy of typed set of papers and seeks time to file his counter.

6.Post on 05.06.2024.

08.04.2024
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