

**(2017) 06 MAD CK 0165**

**MADRAS HIGH COURT**

**Case No:** 470 of 2017

The Deputy Director, Employees  
State Insurance Corporation, &  
Anr.

APPELLANT

Vs

R.Jayamanohar

RESPONDENT

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**Date of Decision:** June 16, 2017

**Acts Referred:**

- Employees State Insurance Act, 1948, Section 45A, Section 75(1)(g) - Determination of contributions in certain cases - Matters to be decided by Employees Insurance Court

**Hon'ble Judges:** R.Subramanian

**Bench:** SINGLE BENCH

**Advocate:** R.Subramanian

**Final Decision:** Dismissed

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### **Judgement**

**1.** The Civil Miscellaneous Appeal is filed by the Deputy Director of Employees State Insurance Corporation, Tallakulam, Madurai challenging the order in E.S.I.O.P.No.59 of 2005, dated 9.11.2016, wherein, the order passed under Section 75(1)(g) of the Employees State Insurance Act, dated 27.7.2005 was set aside.

**2.** It is seen from the records that the order impugned before the Employees State Insurance -cum-Labour Court, Madurai was passed based on the Visit Note, dated 27.11.1996. On the basis of the very same Visit Note, an order was passed under Section 45-A earlier, that was the subject-matter of E.S.I.O.P.No.33 of 2001.The said E.S.I.O.P was allowed and the order passed under Section 45-A was set aside by the ESI Court. Admittedly, there is no appeal filed by the appellant against the said order. In view of the above I find no merit in the appeal and the Civil Miscellaneous Appeal fails.

**3.** Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.