



W.P(MD)No.15006 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.15006 of 2023

and

W.M.P(MD)Nos.12631 & 12634 of 2023

1.Vasantham Agencies (P) Ltd.,
Represented by its Director,
N.Monikandan,
34, SMT Complex, Dennisson Road,
Nagercoil – 629 001, Kanyakumari District.

2.Vasantham Agencies,
Represented by its Proprietor N.Monikandan,
Niyas Complex, Dennisson Road,
Nagercoil – 629 001,
Kanyakumari District.

... Petitioners

Vs

The Assistant Director,
ESI Corporation,
“Pancheep Bhavan”,
ESIC Complex, Chalai Street,
Vannarpettai,
Tirunelveli – 627 003.

... Respondent



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent herein in Ref.No.66-00-030567-000-0009/45-A/SRO/TLI/428/22/5/223, dated 06.04.2023 and quash the same and consequently direct the respondent to consider the representation of the petitioner dated 18.05.2023 and grant the opportunities required therein and conduct a fresh enquiry and then pass orders according to law.

For Petitioners : Mr.M.Azeem

For Respondent : Mr.R.Ravi Kumar

ORDER

W.M.P(MD)No.12631 of 2023 filed seeking permission to file a single Writ Petition is ordered.

2.This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the first respondent dated 06.04.2023, quash the same, and consequently direct the respondent to consider the petitioner's representation



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dated 18.05.2023, afford the opportunities sought for therein, conduct a fresh enquiry, and thereafter pass appropriate orders in accordance with law.

3.The learned counsel appearing for the petitioner submitted that the challenge in the present Writ Petition is to the order dated 06.04.2023 passed by the first respondent under Section 45-A of the Employees' State Insurance Act, 1948. He further submitted that an effective statutory remedy is available to the petitioner under Section 75 of the said Act. Therefore, he seeks liberty to approach the competent authority under Section 75 of the Act. He further prayed that the period during which the Writ Petition remained pending before this Court may be excluded for the purpose of computing the period of limitation.

4.Recording the said submission, the Writ Petition is disposed of by granting liberty to the petitioner to work out the remedy available under Section 75 of the Employees' State Insurance Act, 1948, before the competent forum, if so advised. If any proceedings are initiated by the



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petitioner, it is open to the petitioner to seek exclusion of the period during which the present Writ Petition was pending before this Court, and the competent forum shall consider the same in accordance with law.

5. With the above liberty, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected W.M.P(MD) No.12634 of 2023 is closed.

30.07.2026

NCC : Yes / No

Index : Yes / No

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To

The Assistant Director,
ESI Corporation,
“Pancheep Bhavan”,
ESIC Complex, Chalai Street,
Vannarpettai,
Tirunelveli – 627 003.



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M.DHANDAPANI, J.

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