

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 21947 of 2014 (P)

PETITIONER :

M/S. RUBBER WOOD INDIA PVT. LTD.,
MANGANAM, KOTTAYAM,
REP.BY ITS COMPANY SECRETARY-CUM-FINANCE MANAGER.

BY ADV. SRI.V.KRISHNA MENON

RESPONDENTS :

1. THE EMPLOYEES STATE INSURANCE CORPORATION,
SUB REGIONAL OFFICE (ERNAKULAM), MALU'S COMPLEX,
ST.FRANCIS CHURCH ROAD, KALOOR, KOCHI-682 017,
REP.BY ITS REGIONAL DIRECTOR.
2. THE RECOVERY OFFICER,
ESI CORPORATION, KOCHI-17.

R1 & R2 BY SRI.P.SANKARANKUTTY NAIR, SC, ESI CORPN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21947 of 2014 (P)

APPENDIX

PETITIONER'S EXHIBITS :-

P1 : COPY OF THE NOTICE OF THE 1ST RESPONDENT DTD.11.3.2014 ISSUED TO THE PETITIONER.

P2 : COPY OF THE ORDER OF THE FIRST RESPONDENT DTD.15.5.2014.

P3 : COPY OF THE REPRESENTATION OF THE PETITIONER DTD.25.6.2014.

P4 : COPY OF THE COMMUNICATION DTD.31.7.2014.

P5 : COPY OF THE ORDER OF THE FIRST RESPONDENT ISSUED TO THE 2ND RESPONDENT DTD.31.7.2014.

P6 : COPY OF THE NOTICE OF DEMAND DTD.8.8.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS:- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.21947 of 2014

Dated this the 4th day of December, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of certiorari to quash Exts.P2, P4, P5 and P6 and seeking a writ of mandamus commanding the 1st respondent to redetermine the claim for damages under Section 85B of the E.S.I. Act, after affording it an opportunity of being heard.

2. When this Writ Petition came up for consideration on 1.9.2014 the learned Standing Counsel for the ESI Corporation raised the question of maintainability of the Writ Petition pointing out that the proper remedy available to the petitioner is to challenge the impugned proceedings before the Employees Insurance Court under Section 75 of the ESI Act. In view of the question of maintainability raised, this Court declined relief to the petitioner. However it was ordered that all coercive action to recover the amounts demanded by Ext.P6 shall be kept in abeyance for a period of four weeks so as to enable the petitioner to move the Employees Insurance Court.

In view of the above order passed by this Court dated 1.9.2014 the petitioner is not entitled for any further reliefs. In the result, this Writ Petition is dismissed as not maintainable.

Sd/-

ANIL K.NARENDRA, JUDGE

skj

True copy

P.A to Judge