

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.17862 of 2015 and
M.P.No.1 of 2015

The Pondicherry Market Committee,
rep. by its Secretary,
Agricultural Complex,
Thattanchavady, Puducherry - 605 009.

.. Petitioner

V.

1.Union Territory of Puducherry,
Govt. of Puducherry,
Rep. by the Secretary to Govt.
Labour Department, Puducherry - 605 001.

2.The Regional Director,
The Employees State Insurance Corporation,
Regional Office (Puducherry),
No.178, 100 Feet Road Ansari Duraisamy Nagar,
Puducherry - 605 004.

3.The Deputy Directory-cum-Authorised Officer,
The Employees State Insurance Corporation,
Regional Office (Puducherry),
No.178, 100 Feet Road Ansari Duraisamy Nagar,
Puducherry - 605 004.

4.The Recovery Officer,
The Employees State Insurance Corporation,
Regional Office (Puducherry),
No.178, 100 Feet Road Ansari Duraisamy Nagar,
Puducherry - 605 004.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to dispose of Application bearing No.105/PMC.2010-11 dated 03.02.2011 filed by it under the Proviso to Section 1(4) of the Employees State Insurance Act, 1948 on merits within

the time that may be fixed by this Court and forbearing the respondents 2 to 4 from initiating any action under the Employees State Insurance Act, 1948 including further actions on the Notice of Demand bearing No.PDY/RECY/CP-2/55000427710001002, dated 24.04.2015 on the file of the 4th respondent against the petitioner till such disposal.

For Petitioner	..	Mr.T.P.Manoharan
For 1st Respondent	..	Mr.A.S.Baradh Government Advocate
For Respondents 2 to 4	..	M/s.P.Chandrasekar

ORDER

Heard the learned counsel appearing for the petitioner, Mr.A.S.Baradh, learned Government Advocate for the 1st respondent and Mr.P.Chandrasekar, learned Standing Counsel for respondents 2 to 4 and with their consent, the writ petition is taken up for final disposal.

2.The Petitioner is the Pondicherry Market Committee and has filed this writ petition to dispose of their Application bearing No.105/PMC.2010-11 dated 03.02.2011 filed under the Proviso to Section 1(4) of the Employees State Insurance Act, 1948. In the meantime, the petitioner seeks for a direction upon the respondents 2 to 4 not to enforce the demand.

3.The learned Government Advocate appearing for the 1st respondent submitted that the petitioner's application is still pending with the Government and reasonable time may be given to the Government to dispose of the same. However, it appears that the demand has been made by the respondents 2 to 4/ESI

Corporation for dues payable from January 2009. Therefore, till the Government takes a decision, the petitioner should be put on some terms. Hence, there will be a direction to the 1st respondent to consider the petitioner's application dated 03.02.2011 and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order and after affording opportunity of personal hearing to the authorised representative of the petitioner. Till orders are passed, the respondents 2 to 4 shall not enforce the impugned demand subject to the condition that the petitioner remits 25% of the impugned demand before the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order. If the conditional order is not complied with, the benefit of the interim protection will not accrue to the petitioner and it would stand automatically vacated.

4.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

10.12.2015

Index : Yes/No

Internet : Yes/No

Sgl

T.S.SIVAGNANAM, J.

Sgl

To

- 1.The Secretary to Govt.
Union Territory of Puducherry,
Govt. of Puducherry,
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