

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.1.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.29411 of 2014
and M.P.Nos. 1 and 2 of 2014

1. M/s Amman Mills
rep by its Managing Partner,
Mr.K.T. Karunamoorthy,
No.10/226, G4, Ganapathipalayam Road,
Veerapandi Post,
Tirupur-641 605
 2. Sri.K.T. Karunamoorthy
- Petitioners

vs

The Director I.C.,
The Employees State Insurance Corporation,
Sub Regional Office,
1867, Trichy Road,
Coimbatore - 641 045

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandams forbearing the respondent from proceeding with the proposed enquiry hearing and levy of damages in pursuance of and as per Notice dated 21.10.2014.

For petitioners : Mr.S. Jayaraman
For respondent : Mr.P. Chandrasekar

ORDER

Heard Mr.S. Jayaraman, learned counsel for the petitioner and Mr.P. Chandrasekar, learned Central Government Standing Counsel for the respondent.

2. Today, when the matter has been taken up for hearing, the learned counsel appearing on either side represented that the petitioner had already filed an appeal before this Court, challenging the impugned order.

3. When the appeal remedy is available to the petitioner, the present writ petition deserves to be rejected.

4. Accordingly, the writ petition is rejected and the petitioner is at liberty to prosecute the appeal, raising the issues involved in the present writ petition.

5. Mr.S. Jayaraman, learned counsel for the petitioner submitted that liberty may be given to the petitioner to approach this Court in case of necessity.

6. However, Mr.P. Chandrasekar, learned Central Government Standing Counsel has strongly opposed the plea of the learned counsel for the petitioner.

7. Having regard to the submission made by the learned counsel for the petitioner, while dismissing the writ petition, it is open to the petitioner to approach this Court, however, the same is subject to the maintainability of the writ petition. No costs. Consequently, connected Mps are closed.

-s/d-

Assistant Registrar (CS-II)

Dt:3/2/2015

True Copy

Sub-Assistant Registrar

To

The Director I.C.,
The Employees State Insurance Corporation,
Sub Regional Office,
1867, Trichy Road,
Coimbatore - 641 045

+ 1 cc to M/s.S.Jayaraman, Advocate SR 4257

+ 1 cc to Mr.P.Chandrasekar, Advocate SR 4215

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