

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32504 of 2015

and

M.P.No.1 of 2015

M/s.Saraswathy Consultancy

India (P) Ltd.,

No.14, 1st Floor, 4th Cross,

Kamban Nagar,

Reddiyarpalayam

Pondicherry 605 010

Represented by its Managing Director

R.Gunasekaran

.. Petitioner

vs

1.The Deputy Director/Authorized
Officer

Employees State Insurance Corporation

Regional Office - Pondicherry

No.178, 100 Feet Road

Ansari Duraisamy Nagar

Puducherry 605 004

2.The Recovery Officer

ESI Corporation

Puducherry 605 004

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records pertaining to the impugned order dated 30.6.2015, passed by the first respondent vide No.55-00-042795-000-1001/C19/4912 and the consequential impugned order of attachment passed by the second respondent dated 24.8.2015, vide No.PDY/RECY/CP-2/55000427950001001 CCR No.5416 and quashing the same.

For Petitioner : Mr.B.Balavijayan

For Respondents : Ms.S.Jayakumari for ESI

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner challenging the legality of the recovery of contributions under Section 45(C) to 45(I) of the Employees' State Insurance Act, 1948, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that the amount claimed in the impugned notice, is exorbitant and also invited the attention of this Court to the order dated 30.6.2015, passed by the first respondent under Section 45-A of the said Act and would submit that as per the said order, the contribution works out to Rs.2,49,065/- for the wage period between 5/10 and 3/11, whereas a sum of Rs.24,60,441/- being the contributions, is sought to be recovered for the period between 10/10 and 01/14, along with interest, damages, cost and charges and hence, prays for interference.

4.Per contra, Ms.S.Jayakumari, learned Standing Counsel, who accepted notice on behalf of the respondents, would submit that the petitioner is having an effective alternate remedy under Section 45-AA of the said Act in the form of an appeal and hence, prays for dismissal of this writ petition.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to file an appeal before the Appellate Authority as per Section 45-AA of the Employees' State Insurance Act, 1948, within a period of two weeks from the date of receipt of a copy of this order and the Appellate Authority, on receipt of the said appeal, is directed to entertain it if the papers are otherwise in order, without putting the issue on limitation and pass orders thereon on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

To:

1.The Deputy Director/Authorized
Officer
Employees State Insurance Corporation
Regional Office - Pondicherry
No.178, 100 Feet Road
Ansari Duraisamy Nagar
Puducherry 605 004

2.The Recovery Officer
ESI Corporation
Puducherry 605 004

nsv

+1 cc to Mr.S.Jayakumari, Advocate, sr.56462

+1 cc to Mr.B.Balavijayan, Advocate (sr.56542) 28/10/2015