

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40213 of 2015 &
M.P.Nos. 1, 2, 3 of 2015

1 P.Mohanraj
Managing Director
M/s. Emerald Engineering
No.41 Pudupakkam Village
Kelambakkam-Vandalur Road
Chennai. [PETITIONER]

Vs

1 The Regional Director
Regional Office (Tamilnadu)
Employees State Insurance Corporation
No.143 Sterling Road
Chennai-600 034.

2 The Deputy Director (Regional Office)
Employees State Insurance Corporation
No.143 Sterling Road
Chennai- 600 034. [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records relating to the proceedings of the second respondent in No. TN/RECY/51-00-082840-66 dated 18.08.2015 and quash the same.

For Petitioner : Mr.J.Pothiraj

For Respondents :Mr.P.Chandrasekaran

O R D E R

Heard Mr.J.Pothiraj, learned Counsel appearing for the petitioner, and Mr.P.Chandrasekaran, learned counsel accepts notice for the respondent. and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner challenges the proceedings of the second respondent dated 18.08.2015.

3.As rightly pointed out by the learned counsel appearing for the respondent Corporation, the impugned proceedings dated 18.08.2015 is issued by the Recovery Officer, who has not been made as party respondent in this Writ Petition. That apart, the impugned proceedings is only a summon directing the Management to appear before the Recovery Officer on 31.08.2015 at 11.00 a.m. and it is not known what happened thereafter. However, since the challenge made by the petitioner is only with regard to the levy of interest at 12% p.a. on the amount payable as contribution under the provisions of the Employees State Insurance Act, 1948, if the petitioner is aggrieved, then the petitioner has to file appropriate application before the competent authority. It is to be noted with regard to the levying of interest, the petitioner has to first challenge the proceedings dated 24.02.2015. Thus, in the absence of challenge to the said proceedings, the Writ Petition challenging the consequential proceedings, is not maintainable.

4.Accordingly, while rejecting the relief sought for in the Writ Petition, liberty is granted to the petitioner to exercise the alternate remedy available under the Employees State Insurance Act, 1948, and the petitioner is granted two weeks time to invoke such remedy and also seek for appropriate interim orders before the concerned authority. For a period of two weeks, no coercive steps shall be initiated against the petitioner.

With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

To

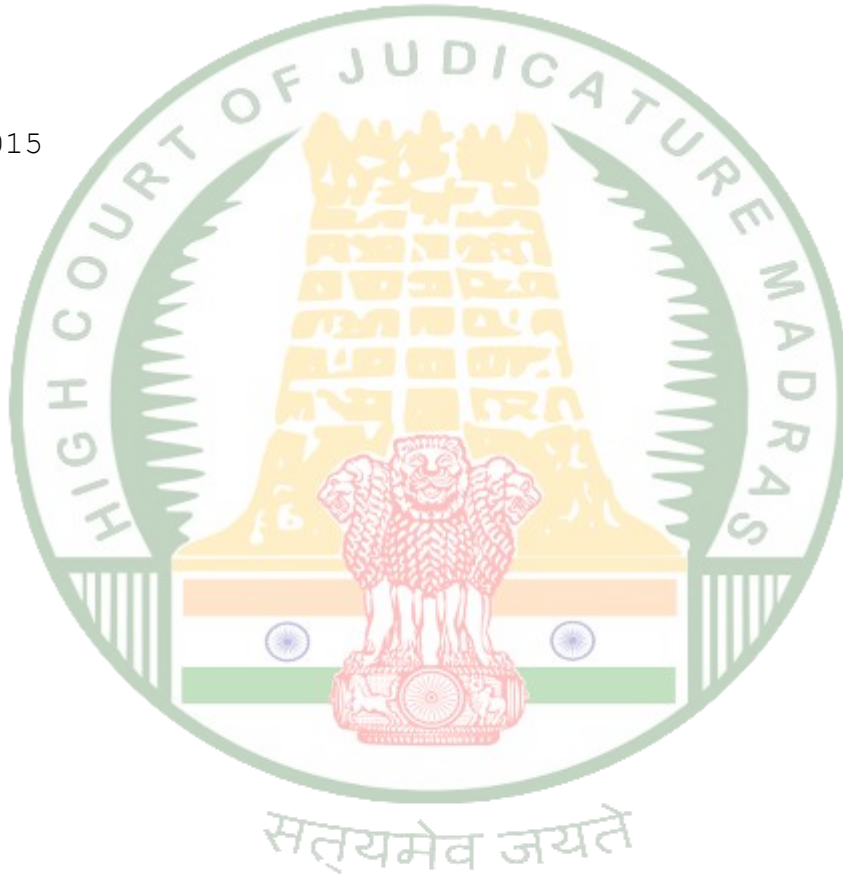
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+1 cc to Mr.Kaushik Advocate sr.69300/15

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