

In the High Court of Judicature at Madras

Dated: 16.10.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 17222 of 2012

Autotech Industries [India]

Pvt. Ltd., rep. by its

Company Secretary S. Saravanan

.. Petitioner

vs.

The Joint Director [Revenue],

Employees State Insurance Corporation,

Chennai-34.

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, to call for and quash the records of the respondent in No. TN/Ins-VI/No. 51-00-055035-000-606, dated 20.12.2011 and consequently direct the respondent to pass an order of waiver of damages on the representation dated 27.2.2012 filed by the petitioner before the respondent herein.

For petitioner : M/s. Manoharan Sundaram

For respondent : Ms. Jayakumari

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the respondent had submitted that the issues raised, in the present Writ Petition, ought to have been raised, before the Employees' Insurance Court, under Section 75 of the Employees' State Insurance Act, 1948. Therefore, the present Writ Petition is not maintainable, under Article 226 of the Constitution of India. The learned counsel appearing on behalf of the petitioner had not refuted the said submission made by the learned counsel appearing on behalf of the respondent.

3. In such circumstances, the present Writ Petition stands dismissed, as not maintainable. However, the petitioner is permitted to move the Employees' Insurance Court, seeking the reliefs, if any, within a period of four weeks from the date of receipt of a copy of this order, without the issue of delay

being raised by the Employees' Insurance Court, while entertaining such Application. No costs. M.P.No.1 of 2012 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

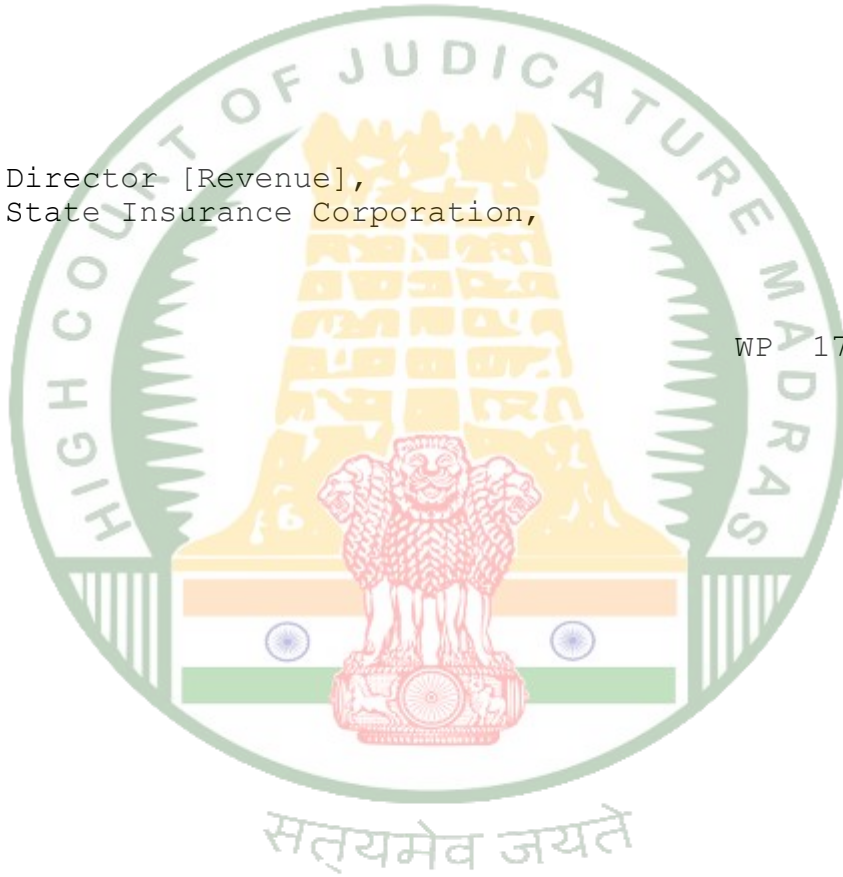
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To

The Joint Director [Revenue],
Employees State Insurance Corporation,
Chennai-34.

WP 17222 of 2012

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