

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.10741 OF 2016

M/s. Swamy Cine Arts

Rep. By its Sole Proprietrix - D.Revathy

No.39/1, New Street, Mylapore,  
Chennai - 600 004.

..Petitioner

-Versus-

1.The Deputy Director of Employees'  
State Insurance Corporation (Insurance - V)  
Panchdeep Bhawan,  
No.143, Sterling Road,  
Chennai - 600 034.

2.The Recovery Officer  
Employees' State Insurance Corporation  
Panchdeep Bhawan,  
No.143, Sterling Road,  
Chennai - 600 034.

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to furnish the copy of the order of determination passed under Sec.45-A of the Employees State Insurance Act, 1948 to the petitioner herein so as to enable the petitioner to file application under Sec. 75 of ESI Act before the Employees Insurance Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.C.V.Ramachandramurthy

O R D E R

The petitioner has filed this writ petition seeking for a direction to the respondents to furnish him the copy of the order of determination passed under Section 45-A of the Employees State Insurance Act, 1948 so as to enable him to file

application under Section 75 of the Employees State Insurance Act, 1948 before the Employees Insurance Court.

2. In order to ascertain as to whether an order under Section 45-A of the Employees State Insurance Act, 1948 was communicated to the petitioner, the learned Standing Counsel for the respondents was directed to accept notice and get instructions.

3. Accordingly, today the learned Standing Counsel for the respondent has promptly got instructions and the Recovery Officer also present before this Court. It is seen from the instructions that an order under Section 45-A of Employees State Insurance Act, 1948 was passed on 20.10.2014 and it has been sent to the petitioner by registered post. But the postal endorsement says that it is returned as "not claimed".

4. The petitioner states that she was not in station and therefore, she has not received the copy of the order.

5. It is seen that prior to passing of the order, an opportunity of personal hearing was afforded to the petitioner and notice of hearing was issued to the petitioner vide letter dated 03.09.2014 and the personal hearing was fixed on 30.09.2014. The petitioner's husband attended the personal hearing on the said date. What has been decided by the respondents is that the order passed under Section 45-A of the Employees State Insurance Act, 1948 has not been received by the petitioner.

6. Therefore, this Court observed that a copy of the said order may be furnished to the petitioner, in respect of the same, it is submitted by the Officer who is present before this Court that yesterday (22.03.2016) a copy of the order has been sent to the petitioner by registered post.

7. Recording the said submission, the writ petition stands disposed of with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

TK

Sd/-  
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1.The Deputy Director of Employees'  
State Insurance Corporation (Insurance - V)  
Panchdeep Bhawan,  
No.143, Sterling Road,  
Chennai - 600 034.

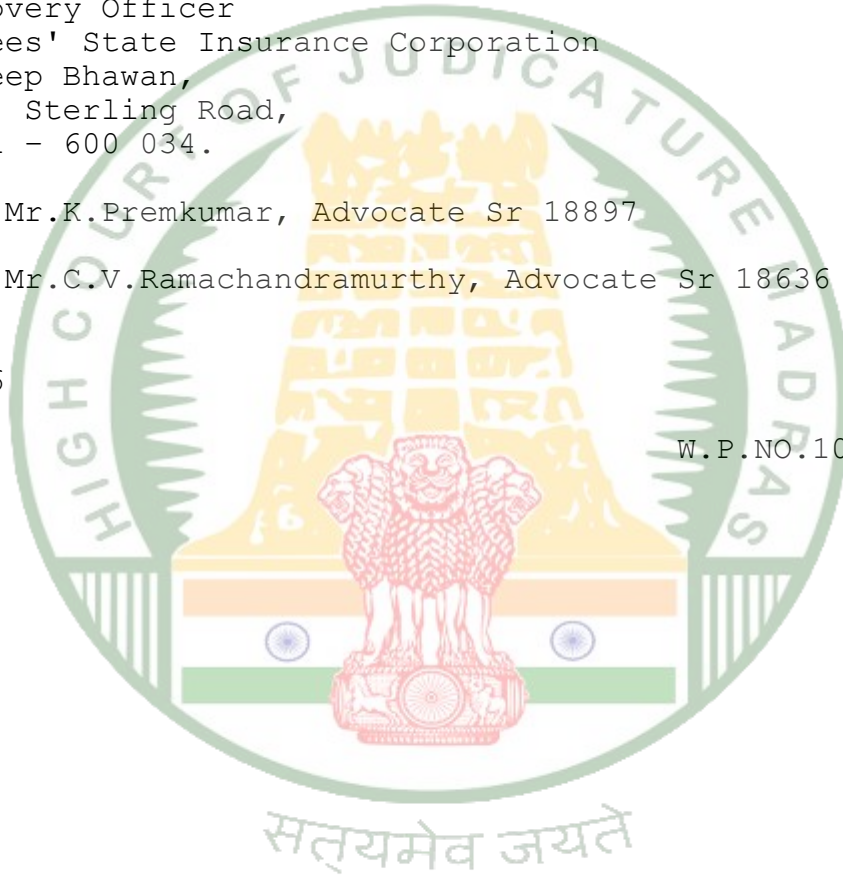
2.The Recovery Officer  
Employees' State Insurance Corporation  
Panchdeep Bhawan,  
No.143, Sterling Road,  
Chennai - 600 034.

+ 1 cc to Mr.K.Premkumar, Advocate Sr 18897

+ 1 cc to Mr.C.V.Ramachandramurthy, Advocate Sr 18636

KR/30/3/16

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