



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2016

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD)No.7231 of 2016

and

W.M.P.(MD).No.6129 of 2016

M/s.Sri Mahesh Textile,
Proprietor Mr.Maheswaran,
D.No.8/289, J.J.Nagar,
Mariamman Kovil Backside,
Jakkampatti, Aundipatti.

.. Petitioner

Vs.

The Deputy Director (INS.II),
Regional Office, Madurai,
Employees' State Insurance Corporation,
2nd West Street, K.K. Nagar,
Madurai -20.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings No.57-00-072827 - 000- 0105 / INS.II / SRO MDU 363/15, dated 20.01.2016 and quash the same as illegal.

For Petitioner

... Mr.V.P.Rajan

For respondent

... Mr.K.C.Ramalingam

ORDER

Mr.K.C.Ramalingam, learned counsel takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing on either side.

3.Challenging the order passed under Section 45-A of the ESI Act, 1948 by the Deputy Director (INS.II) of the ESI Corporation, the petitioner has come up with this writ petition. The very impugned order, dated 20.01.2016, indicates that there is



an appeal provision under Regulation 31-D of the ESI (General) Regulations, 1950, as per which the Director of the Sub Regional Office, Madurai will be the appellate authority. The petitioner, without exhausting the appeal remedy, has come before this Court challenging the impugned order under Article 226 of the Constitution of India.

4.The only grievance of the petitioner is that while preferring an appeal, as a condition precedent the demand amount has to be deposited. Therefore, the petitioner is permitted to deposit Rs.25,000/- before the appellate authority and challenge the impugned order raising grounds available with him.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1.The Deputy Director (INS.II),
Regional Office, Madurai,
Employees' State Insurance Corporation,
2nd West Street, K.K. Nagar,
Madurai -20.

+1 CC to Mr.K.C.RAMALINGAM, Advocate, SR No.21631

+1 Common CC to Mr.V.P.RAJAN, Advocate, SR No.21692

W.P. (MD) No.7231 of 2016
18.04.2016

gcg

SH/AAL-MPA:05.05.2016:2P/4C