

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.21066 of 2014

Manoj Creations,
10 Krishna Rao Street,
T Nagar, Chennai-17.
Represented by its
Proprietor Bharathi Raja.

..Petitioner

Vs.

The Assistant Director,
Employees State Insurance Corporation,
143, Sterling Road,
Chennai 34.

..Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records of the respondent in Proceedings TN/Ins-III/51-00-106311-000-1201/965/2014, dated 27.06.2014, quash the same, direct the respondent to provide the details requested by the petitioner in its communication dated 25.06.2014 and consequently, direct the respondent to provide an opportunity to the petitioner.

For Petitioner : Mr.Anand
For Mr.T.S.Gopalan and Co.

For Respondent : Mr.C.V.Ramachandramoorthy

ORDER

The order impugned is sought to be predicated on the only ground that the petitioner's request for an adjournment has not been granted, as it was passed on the very first hearing.

2. The learned counsel for the petitioner would submit that this averment has not been seriously challenged.

3. The learned counsel appearing for the respondent would submit that nothing more is required to be done as the petitioner produced unaudited balance sheet along with the list of employees.

4. Though there is an effective alternative remedy, the narration made above would indicate that the petitioner's request for adjournment was not acceded to. There is no material to show that it was being considered, which only shows that the petitioner was not in a position to put forth his case by producing both oral and documentary evidence.

5. In such view of the matter, the impugned order dated 27.06.2014 is set aside and the matter is remanded to the respondent for fresh consideration. The respondent shall conclude the proceedings, after affording an opportunity to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, the Writ Petition is allowed. There is no order as to costs.

22.06.2017

r n s

M.M.SUNDRESH, J.,

r n s

To

The Assistant Director,
Employees State Insurance Corporation,
143, Sterling Road,
Chennai 34.

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