

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No. 14008 of 2017

M/s. Amarambedu Munuswamy
Mudaliar Matriculation School,
Rep. By its Correspondent and
Secretary Mr.P.Sreeramulu ... Petitioner

Vs.

- 1.The Employees State Insurance Corporation, Rep. By its Additional Commissioner & Regional Director of ESIC, No.143, Sterling Road, Nungambakkam, Chennai-600 034.
2. The Recovery Officer, The Employees State Insurance Corporation, "Panchdeep Bhavan" No.143, Sterling Road, Nungambakkam, Chennai-600 034. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the respondents to repay the sum of Rs.1,85,823/- recovered from the petitioner's A/c No. 1755155000030255 drawn on Karur Vysya Bank, Godown Street Branch illegally.

For Petitioner .. Mr.N. Baaskaran

For Respondents .. Mr.S.P.Srinivas

ORDER

The petitioner has filed the present writ petition inter alia alleging that without adjudication, a recovery certificate has been issued, pursuant to which, recovery of a sum of Rs.1,85,823/- has been made. Therefore, the petitioner seeks repayment of the abovesaid amount.

2.As rightly submitted by the learned counsel appearing for the respondents, the petitioner has not challenged the recovery certificate. What he seeks is a direction for re-payment. The recovery certificate can only be challenged by filing an appeal under Section 75 of the E.S.I. Act, before the appropriate forum.

3.Accordingly, the writ petition stands dismissed. However, considering the facts and circumstances of the case, the petitioner is given liberty to challenge the recovery certificate within a period of four weeks from the date of receipt of a copy of this order, in which case, the forum concerned shall not reject it on the ground of limitation but decide it on merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/mm

To

1.The Additional Commissioner &
Regional Director of ESIC,
Employees State Insurance
Corporation,
No.143, Sterling Road, Nungambakkam,
Chennai-600 034.

2. The Recovery Officer,
The Employees State Insurance
Corporation, "Panchdeep Bhavan"
No.143, Sterling Road, Nungambakkam,
Chennai-600 034

+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.41613
+1cc to Mr.N.Baaskaran, Advocate, S.R.No.41713

W.P.No.14008 of 2017

SKV(CO)
RS(23/06/2017)