

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM

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

W.P.Nos.38872 and 38873 of 2016
in

W.M.P.Nos.33312 and 33313 of 2016

Sri Gurugnanasambandar Mission
Matriculation School rep. by its
Correspondent C.R.Kunjithapatham ... Petitioner in
both the W.Ps

Vs.

1. The Director,
Employees State Insurance Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009.
2. The Assistant Director Cum Authorised Officer
Employees State Insurance Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009.
3. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009. .. Respondents in
both the W.Ps

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari mandamus to call for the records of the first respondent in his proceedings Nos. 63000932990001302/MEC/SRO/SLM/65/13 and 63000932990001302/MEC/SRO/SLM/66/13 dated 29.01.2016 confirming the order of 2nd respondent in his proceedings Nos. 63000932990001302/MEC/SRO/SLM/65/13 and

63000932990001302/MEC/SRO/SLM/66/13 dated 31.07.2014 and quash the same and further direct the respondents not to recover any amount from the petitioner towards contribution of employees who already left the job in respect of the period 29.12.2010 to 31.08.2013.

For Petitioner .. Mr.S.Sounthar in both W.Ps

For Respondents.. Ms.Jayakumari in both W.Ps.

COMMON ORDER

Challenging the orders of the first respondent dated 29.01.2016, confirming the orders of the second respondent dated 31.07.2014 and for a direction to the respondents not to recover the amount from the petitioner towards contribution of employees who already left the job in respect of the period 29.12.2010 to 31.08.2013, these writ petitions have been filed.

2.The primary grievance of the petitioner appears to be with respect to the interest and default as against the contribution. It appears that the appeals filed by the petitioner have also got rejected and thus the petitioner will have to exhaust the further alternative remedy available before the Employees State Insurance Tribunal under Section 75 of the Employees State Insurance Act.

3.In such view of the matter, this Court is of the view that it would be appropriate to permit the petitioner to exhaust the said remedy. Since the petitioner has been agitating the matter before this Court and applying the principle enshrined under Section 5 of the Limitation Act, the petitioner is given further period of six weeks from the date of receipt of a copy of this order to file further appeals under Section 75 of the Employees State Insurance Act. As and when such appeals are filed the E.S.I. Tribunal shall dispose of the same without rejecting it on the ground of limitation.

4.With the above observation and direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

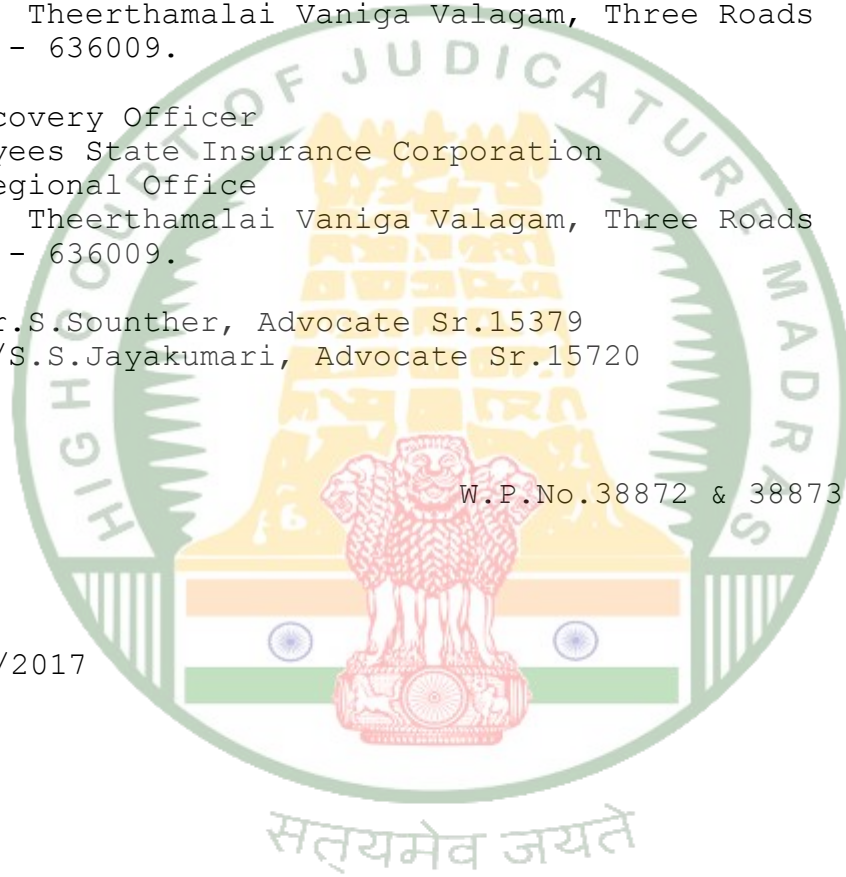
To

1. The Director,
Employees State Insurance Corporation
Sub Regional Office
39/57, Theerthamalai Vaniga Valagam, Three Roads
Salem - 636009.
2. The Assistant Director Cum Authorised Officer
Employees State Insurance Corporation
Sub Regional Office
39/57, Theerthamalai Vaniga Valagam, Three Roads
Salem - 636009.
3. The Recovery Officer
Employees State Insurance Corporation
Sub Regional Office
39/57, Theerthamalai Vaniga Valagam, Three Roads
Salem - 636009.

+1cc to Mr.S.Sounther, Advocate Sr.15379
+1cc to M/S.S.Jayakumari, Advocate Sr.15720

W.P.No.38872 & 38873 of 2016

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srg 27/03/2017



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