

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11553 of 2018

and

W.M.P.Nos.13505 to 13507 of 2018

1.Mr.Vikram Mahesh Ahuja

2.A.T.Suppiah

..Petitioners

vs

The Recovery Officer,
Employees' State Insurance Corporation
(Sub Regional Office),
1897, Trichy Road, Panchdeep Bhavan
Ramanathapuram,
Coimbatore - 641 045.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records of the impugned order in Ref.No.56/00/7086/11/RRC/2018 dated 18.04.2018 passed by the Respondent quash the same.

For Petitioners : Mr.S.Gunalan

For Respondent : Mr.S.P.Srinivasan

O R D E R

The order of recovery issued by the Recovery Officer in proceedings dated 18.04.2018, Employees' State Insurance Corporation, is under challenge in this writ petition.

2.Section 75 of the Employees' State Insurance Act, 1978 deals with the matters to be decided by the Employees' Insurance Court. Section 75(1)(g) of the Employees' State Insurance Act, which reads as under:

"(g) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act, 194 [or any other matter required to be or which may be decided by the

Employees' Insurance Court under this Act], such question or dispute 195 [subject to the provisions of sub-section (2A)] shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act."

3. Against an order passed by the competent authority, the writ petitioner has to approach the Employees' Insurance Court (ESI) for the purpose of further adjudication. Before exhausting the remedy provided under the above said Act, no writ petition can be entertained in view of the fact that it is not only a statutory remedy, the Employees' Insurance Court is headed by the District Judges and it is a judicial forum.

4. Such being the factum of the case, it is left open to the writ petitioner to approach the competent Employees' Insurance Court for the purpose of adjudicating the impugned order of recovery.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

kak

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

The Recovery Officer,
Employees' State Insurance Corporation
(Sub Regional Office),
1897, Trichy Road, Panchdeep Bhavan
Ramanathapuram,
Coimbatore - 641 045.

+1cc to Mr.S.P.Srinivasan, Advocate sR.No.40694

NA(CO)
sm:6.7.2018

W.P.No.11553 of 2018