

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.11763 of 2004

K.Narasimhan

...Petitioner

VS

1.Employees State Insurance Corporation (Regional Office), Tamilnadu, rep. by its Deputy Director (Authorised Officer), 143, Sterling Road, Nungambakkam, Chennai 34.

2.The Recovery Officer, Employees State Insurance Corporation, 143, Sterling Road, Nungambakkam, Chennai 34.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records in the proceedings of the first respondent in TN/INS III/51-3264-83/C19/3367/02 dated 16.12.2003 and quash the same and to direct the respondents not to proceed with any recovery or auction proceedings consequent upon the impugned order.

For petitioner : M/s.T.S.Shenbagaraman
P.Balambal

For Respondents: Mr.K.C.Ramalingam

O R D E R

The writ petition has been filed for issuance of a certiorarified mandamus to call for the records in the proceedings of the first respondent in TN/INS III/51-3264-83/C19/3367/02 dated 16.12.2003 and quash the same and to direct the respondents not to proceed with any recovery or auction proceedings consequent upon the impugned order.

2.This Court during the earlier hearing on 18.06.2018 had passed the following order:

"The learned counsel appearing for the respondents 1 and 2 submits that the condition imposed in the interim order dated 12.07.2006 has not been complied with by the petitioner and in view of the same, the interim stay automatically stood vacated.

2. Since, the original court records are not available, the learned counsel undertakes to produce a copy of the interim order dated 12.07.2006 for the records of this Court. The 1st and 2nd respondents have also filed their counter affidavit and typed set of papers and the copy of the same have also been served on the counsel for the petitioner.

3. The learned counsel for the respondents placing reliance on the judgment reported in (2008) 3 MLJ 150 in the case of Easy Weld Electrodes (P) Ltd. Vs. Recovery Officer, Employment Insurance Corporation, Chennai-34 contends that the petitioner has an effective alternative remedy before the ESI Court and the writ petition could not be entertained. Learned counsel for the petitioner seeks time to get instructions in this regard.

Post the matter on 25.06.2018."

3. When the matter came up for hearing on 20.08.2016, there was no representation for the petitioner. Today when the matter is taken up for hearing, though the learned counsel Mr. T.S. Shenbagaraman appears on behalf of the learned counsel on record, he submits that he is not able to get instructions from the petitioner in this regard.

4. Following the judgment of this Court reported in (2008) 3 MLJ 150 in the case of Easy Weld Electrodes (P) Ltd. Vs. Recovery Officer, Employment Insurance Corporation, Chennai-34, the writ petition is dismissed, as the petitioner has effective alternative remedy before the ESI Court under Section 75 of the Employees State Insurance Act, 1948. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

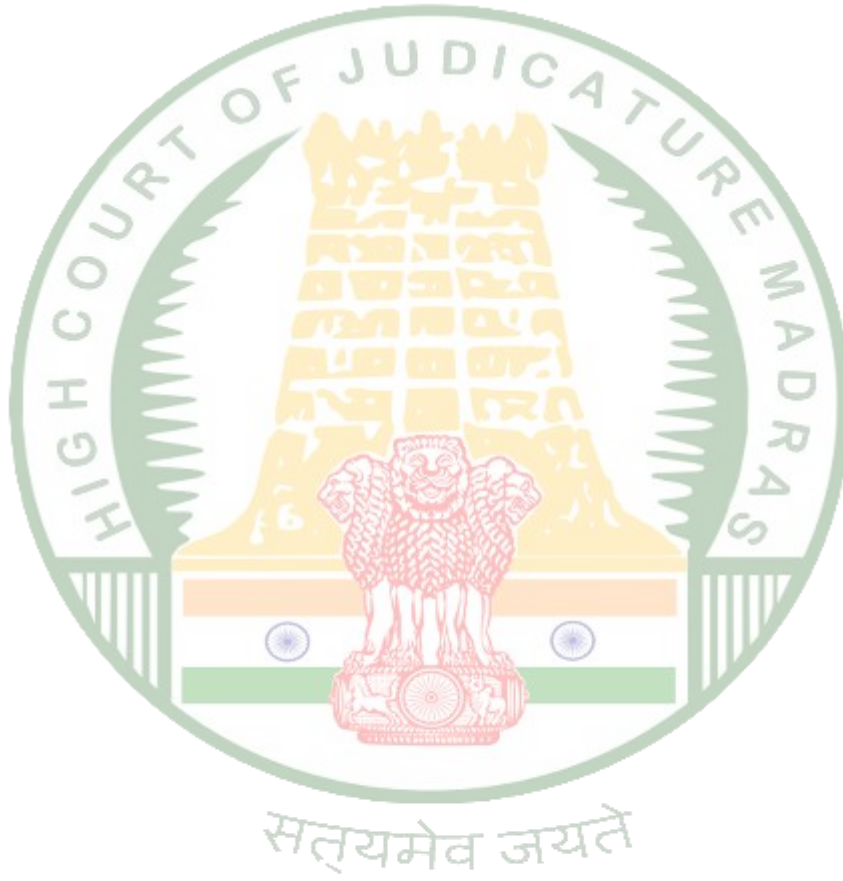
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To

+lcc to Mr.K.C.Ramalingam, Advocate sr.no.43485

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