

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.19892 of 2013

and

MP Nos.1 of 2013 and 2 of 2013

GTP Granites Limited
Unit I
151/1, Jagirammalayam,
Mamangam,
Salem 636 302
Rep. by its Director

... Petitioner

versus

1. The Deputy Director,
ESI Corporation
39/57, Three Roads,
Salem 636 009

2. The Recovery Officer
ESI Corporation,
39/57, Three Roads,
Salem - 636 009.

3. R. Venkatesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents 1 and 2 from initiating any further recovery proceedings against the petitioner seeking to recover any further amount in terms of the order of the first respondent dated 08.03.2011 in proceedings No.6300022317000040363-10/2010/SRO/SALEM/MEC 28/11.

For Petitioner : Mr.G. Anand

for M/S.T.S.Gopalan and co

For Respondents : Mr.C.V. Ramachandramurthy

for RR1 and 2

No appearance for R3

O R D E R

The learned counsel appearing on behalf of the writ petitioner made a submission that the order of recovery is under challenge in this writ petition. However, during the pendency of the writ petition, the petitioner has filed the appeal before the Appellate authority and obtained an order of interim stay. Thus, it is for the petitioner to pursue the appeal remedy now pending before the Appellate Court.

2. In this view of the matter, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition. Accordingly, the Writ Petition stands closed. The Impleading petition in Miscellaneous Petition No.2 of 2013 has been filed to implead the Presiding Officer, Labour Court, Salem. In view of the fact that already an appeal has been filed by the writ petitioner before the Labour Court, Salem, no further orders are required in this miscellaneous petition. Accordingly, the Miscellaneous Petition is also closed. Consequently, connected Miscellaneous Petition No.1 of 2013 is also closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Director,
ESI Corporation
39/57, Three Roads,
Salem 636 009

2. The Recovery Officer
ESI Corporation,
39/57, Three Roads,
Salem - 636 009.

+1cc to M/S.T.S.Gopalan & Co, Advocate, S.R.No.42185

+1cc to Mr.C.V.Ramachandra Murthy, Advocate, S.R.No.43005

W.P. No.19892 of 2013

CP(CO)

GSP(18/07/2018)