

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.2202 of 2019
and W.M.P.Nos.2449,2450 and 2452 of 2019

1.Mr.S.Vadivel,
2.Mr.K.Palaniappan

..Petitioners

Vs.

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

..Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a WRIT of CERTIORARI, calling for records of the impugned order in Ref.No.56/7086/0101/RRC dated 12.11.2018 and recovery certificate in Ref.No.CBE/RECY/CP-3/56/00/7086/11 dated 26.12.2018 passed by the respondent and quash the same and pass such further or other orders.

For Petitioners : Mr.S.Gunalan

For Respondent : Mr.G.Bharadwaj
Standing Counsel

ORDER

The prayer in this Writ Petition is to issue a of WRIT of CERTIORARI, calling for records of the impugned order in Ref.No.56/7086/0101/RRC dated 12.11.2018 and recovery certificate in Ref.No.CBE/RECY/CP-3/56/00/7086/11 dated 26.12.2018 passed by the respondent and quash the same and pass such further or other orders.

2. This Court heard the learned counsel on either side and also perused the material placed on records.

3. The learned counsel for the Respondent would submit that as against the impugned order, there is an efficacious and alternative remedy of filing an appeal, available under Section

75(1)(g) of the ESI Act, to the Petitioners and without exhausting such an alternative remedy, this Writ Petition has been filed and hence, this Writ Petition is not maintainable.

4. Considering the said submissions of the learned counsel for the respondent and since against the impugned order. There is an alternative remedy of filing an appeal under Section 75(1)(g) of the ESI Act available to the Petitioners, Writ Petition, filed under Article 226 of the Constitution of India without exhausting such an alternative remedy is not maintainable before this Court.

5. Accordingly, this Writ Petition is dismissed, with liberty to the Petitioners to seek their remedy before the appropriate forum. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Sbn/srcm

To

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

+1 CC to Mr.S.Gunalan, Advocate sr 9434(20/02/2019)
+1 Cc to Mr.G.Bharadwaj, advocate sr 9482(07/01/2020)

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SP(04/02/2019)