

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.3495 of 2019 and
W.M.P.No.3796 of 2019

M/s.Footstep productions
rep. by its Sole Proprietor
Mrs.Sundravalli
No.58-A, R.K.Shanmugam Road,
K.K.Nagar, Chennai 600 078.
Now at:
Flat No.H, 3rd Floor,
No.10, R.K.Shanmugam Road,
K.K.Nagar, Chennai 600 078.

... Petitioner

Vs.

1.The Assistant Director,
Authorised Officer,
Employees' State Insurance Corporation,
143, Sterling Road,
Chennai 600 034.

2.The Insurance Commissioner,
Appellate Authority,
Employees' State Insurance Corporation,
143, Sterling Road,
Chennai 600 034.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, to call for the records of the first respondent in his proceedings No.TN/Ins-III/51-00-106415-000-1201/1814/14 dated 17.07.2018 and TN/Ins-III/51-00-106415-000-1201 dated 04.12.2018 and to quash the same.

For Petitioner : Mr.S.Sivaraman

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Certiorari, to call for the records of the first respondent in his proceedings No.TN/Ins-III/51-00-106415-000-1201/1814/14 dated 17.07.2018 and TN/Ins-III/51-00-106415-000-1201 dated 04.12.2018 and to quash the same.

2. The petitioner appears to have been aggrieved by the order passed by the first respondent holding that the petitioner production company is liable to pay the Employees' State Insurance contribution towards employment of the employees. As against the order passed by the first respondent, an appeal has been filed through registered post. However, it appears that the petitioner had not fulfilled the requirements of deposit of 25% as mandated under the Acts and Rules. Therefore, the appeal has been returned, which is also a subject matter of challenge in the present writ petition.

3. This Court is of the view that the present writ petition is pre-mature and it is always open to the petitioner to fulfil the requirements as indicated in the order passed by the first respondent on 04.12.2018 and it is open to the petitioner to approach the Appellate Authority and raise all possible contentions.

4. In view of the above, the writ petition is dismissed as being pre-mature by giving liberty to the petitioner to approach the appellate authority / second respondent by fulfilling the requirement of 25% deposit of the amount ordered by the first respondent. The petitioner, if so advised, approach the appellate authority within a period of two weeks from the date of receipt of a copy of this order and the appellate authority is directed to pass appropriate orders by considering the contentions raised by the petitioner on its behalf, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

vji/gsk

To

1.The Assistant Director,
Authorised Officer,
Employees' State Insurance Corporation,
143, Sterling Road, Chennai 600 034.

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2.The Insurance Commissioner,
Appellate Authority,
Employee's State Insurance Corporation,
143, Sterling Road, Chennai 600 034.

W.P.No.3495 of 2019

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