

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2019

CORAM

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

W.P.No.20557 of 2018

and

WMP.Nos.24154 and 24155 of 2018

M/s. Bharathi Matriculation Higher Secondary School,
Represented by its Correspondent,
Mr P.S. Dharmaraj ..Petitioner

vs

1. The Regional Director,
Employees State Insurance Corporation,
Panchdeep, Sterling Road,
Nungambakkam,
Chennai.

2. The Deputy Director, (INS-IV),
Employees State Insurance Corporation,
No.1897, Trichy Road, PanchdeepBhavan,
Ramanathapuram,
Coimbatore. .. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a writ of certiorari or
any other writ or order or direction of writ of certiorari or
any other writ or order or direction in the nature of writ of
certiorari to call for the records of impugned order dated
8.6.2018 vide proceedings in No.56001114380001302/INS IV/cbeon
the file of 2nd respondent.

For Petitioner : Mr. K . Myilsamy

For Respondents : Mr. G. Bharadwas for R1 and R2

O R D E R

The notice issued for personal hearing by the respondent in
proceedings dated 08.06.2018 is under challenge in the present
Writ Petition.

2. A Perusal of the impugned order reveals that the writ petitioner management who were given an opportunity to represent their case on 05.06.2018, failed to attend the personal hearing, on 02.07.2018 at 10:30 am so as to establish the correctness of payment of the claim concerned, the authorities have made it clear that in the event of non appearance, necessary orders would be passed on the basis of the available records without any further notice.

3. No writ petition can be entertained against a notice providing an opportunity to the writ petitioner to defend their case before the competent authority regarding the claims.

4. The Writ Petition can be entertained only if such notice was issued by the competent authority without jurisdiction or such a notice was issued in violation of the statutory rules in force. In all circumstances, such an opportunity is to be availed by the person concerned for the purpose of defending its case by producing document and by adducing evidence. Contrarily, they rushed to the Writ Court by filing the writ petition in order to protract and prolong the issue, which cannot be encouraged by this Court. The order impugned is nothing but an opportunity provided to the petitioner. If the petitioner is not interested in availing the opportunity then the authorities are bound to pass orders based on the material available on records.

5. This being the procedure to be followed, this Court is of the considered opinion that the writ petitioner is at liberty to approach the authorities for the purpose of defending their case by producing documents and adducing evidence if required. Contrarily they cannot challenge the notice of hearing issued by the authorities competent providing an opportunity.

6. This being the factum, as the petitioner has not established any acceptable ground for the purpose of granting the relief as such sought for in this Writ Petition. Accordingly the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Regional Director,
Employees State Insurance Corporation,
Panchdeep, Sterling Road,
Nungambakkam,
Chennai.

2. The Deputy Director, (INS-IV),
Employees State Insurance Corporation,
No.1897, Trichy Road, PanchdeepBhavan,
Ramanathapuram,
Coimbatore.

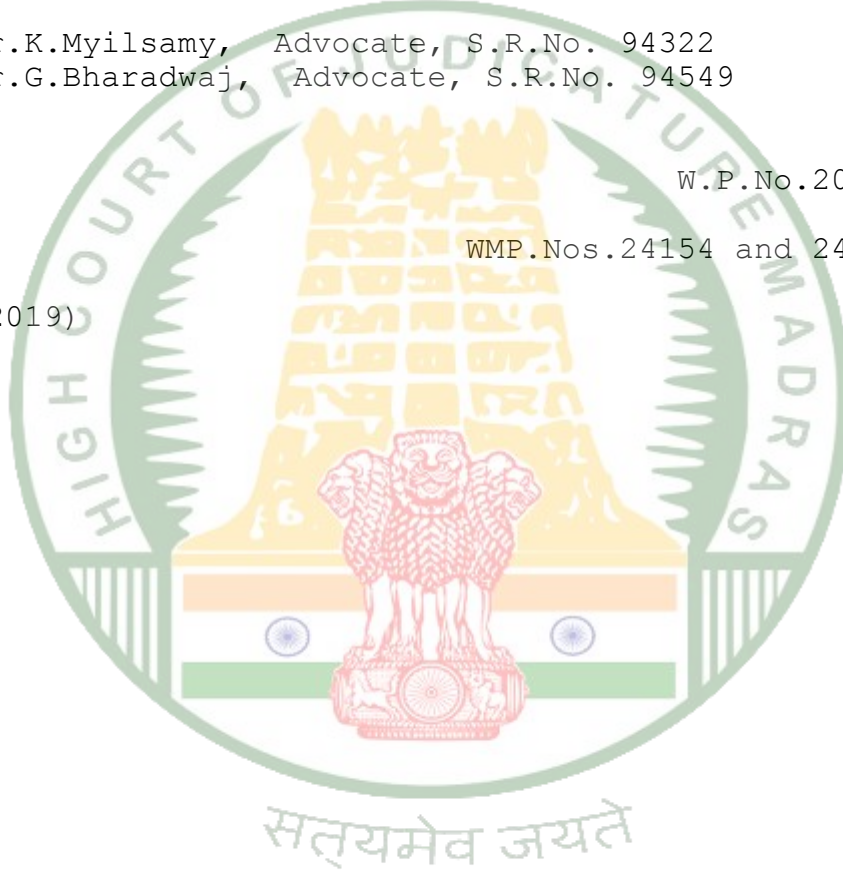
+1cc to Mr.K.Myilsamy, Advocate, S.R.No. 94322

+1cc to Mr.G.Bharadwaj, Advocate, S.R.No. 94549

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and

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SSI (CO)
GN(31/12/2019)



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