

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.27457 of 2018

and

W.M.P.Nos.31970 and 31971 of 2018

The Billion Clothings Private Limited,
Rep. By its Director - Mr.A.Nithyanandam,
No.21, Bridgeway Colony,
Kumaran Illam 2nd Street,
Tirupur - 641 607. ... Petitioner

Vs.

The Recovery Officer,
Employees State Insurance Corporation
Sub Regional Office,
No.1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045. ... Respondent

Prayer: Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Certiorari calling for the records pertaining to the
impugned order passed by the respondent in
No.CBE/RECY/CP-3/56/00/44746/0106 dated 25.01.2018 and
quash the same.

For Petitioner : Mr.S.Ezhil Raj
For Respondent : Mr.C.V.Ramachandra Moorthy

ORDER

When the matter is taken up for hearing, the learned
counsel appearing for the respondent Corporation would
submit that without challenging the original order passed
by the authority under Section 45-A dated 26.12.2012, the
writ petitioner has approached this Court challenging the
consequential order dated 25.01.2018 and therefore, would
submit that the writ petition, as it is, is not
maintainable.

2.The learned counsel for the respondent Corporation
also would submit that the petitioner, without exhausting
the appellate remedies provided under Sections 45-AA and
75 of the ESI Act, has approached this Court by
challenging the consequential order and therefore, in all
force, the writ petition is not maintainable.

3.The learned counsel for the Corporation would also rely on the decision of this Court passed in W.P.No.12107 of 2019 dated 23.04.2019 wherein similar issue came up for consideration, this Court has found that the writ petition was not maintainable and dismissed the same.

4.In view of the above, this Court finds that the writ petition is not maintainable and the same cannot be entertained and hence, dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

The Recovery Officer,
Employees State Insurance Corporation
Sub Regional Office,
No.1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.

+1cc to Mr. C.V.Ramachandra Moorthy, Advocate SR.No.
50056

W.P.No.27457 of 2018

A.SK(26/07/2019)

सत्यमेव जयते

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