



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 15655 of 2019 and

W.M.P. (MD) Nos. 12330 & 12331 of 2019

M/s. Vivekananda Vidyalaya Matriculation
Higher Secondary School,
Represented by its Correspondent,
Pannaikadu, Kodaikanal Main Road,
Dindigul District - 624 210.

: Petitioner

Vs.

1. The Government of Tamilnadu
Represented by its Principal Secretary,
Labour and Employment Department,
Fort Saint George, Chennai - 9.
2. The Deputy Director (INS.III),
Employee's State Insurance Corporation,
Sub Regional Office, 2nd West Street,
K.K. Nagar, Madurai - 20.
3. The Recovery Officer,
Employee's State Insurance Corporation,
Sub Regional Office, 2nd West Street,
K.K. Nagar, Madurai - 20.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarari or any other appropriate writ, by calling for the records, pertaining to the impugned order passed by the second respondent dated 12.03.2019 in reference No.57-00-073310-000-1302/INS.III/648/18 and the consequential order passed by the third respondent dated 03.06.2019 in reference No.57000733100001302/CP/318802/805/19 and dated 03.07.2019 in No.57/RRC/00/073310/000/1302/SRO/MDU/18, and quash the same.

For Petitioner : Mr.G. Mohankumar for
Mr.R. Vijayakumar
For Respondent-1 : Mr.M. Pandiyarajan,
Additional Government Pleader
For Respondents-2 & 3 : Mr.R. Ravindran,
Standing counsel

ORDER



00-073310-000-1302/INS.III/648/18 and consequential order, dated 03.06.2019 passed by the third respondent in reference No.57000733100001302/CP/318802/805/19 and dated 03.07.2019 in No.57/RRC/00/073310/ 000/ 1302 /SRO/MDU/18.

2. The petitioner challenging the impugned order passed by the second respondent. At the time of hearing the matter, the petitioner undertakes before this Court that he shall settle the demand amount of Rs.6,96,639/- (Rupees Six Lakhs Ninety Six Thousand Six Hundred and Thirty Nine Only) by installments. To that extent, he also undertakes to file an affidavit before this Court.

3. The learned standing counsel appearing for the second respondent has submitted that the petitioner has agreed to settle said the amount by installments to the second respondent and the said proposal was accepted by the second respondent.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner has filed an undertaking affidavit before this Court. In paragraph No.4 of the said affidavit, the petitioner undertakes to pay the said amount of Rs.6,96,639/- in 14-monthly equal installments and he will pay a sum of Rs.50,000/- each for 1 to 13 installments and the balance amount of Rs.46,639/- for 14th installment. The said installment shall commence from August, 2019. If any default for payment of the said amount by the petitioner, it is liberty to the second respondent to take action against the petitioner in accordance with law.

5. Recording the aforesaid undertaking affidavit, the writ petition is partly allowed and the impugned order passed by the second respondent is quashed insofar as the Garnishee order passed against the petitioner. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS)

To
The Principal Secretary,
The Government of Tamilnadu
Labour and Employment Department,
Fort Saint George, Chennai - 9.

+1cc to Mr.R.VIJAYAKUMAR, Advocate, SR.No.76443
+1cc to Mr.R.RAVINDRAN, Advocate, SR.No. 76260

W.P(MD).No. 15655 of 2019