



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD). No. 2106 of 2019

1. The Employees State Insurance Corporation,
Sub Regional Office,
2nd Main Road,
K.K. Nagar,
Madurai 625 020
through its Deputy Director (INS I).

2. The Recovery Officer,
The Employees State Insurance
Corporation,
Sub Regional Office,
2nd Main Road,
K.K. Nagar,
Madurai 625 020.

... Petitioners

Vs.

M/s. Vel College of Education,
New Dharapuram Road,
Puliampatti Post 624 617,
Palani Taluk,
Dindigul District.

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 10.01.2019, passed by the Presiding Officer of the ESI Court, Madurai in I.A.No.294 of 2018 in E.S.I.O.P.No.90 of 2018 with a prayer to declare that the ESI Court is not competent forum to revoke Garnishee Order issued in the recovery process.

For Petitioners

: Mr.P.Ganapathisamy

O R D E R

The Civil Revision Petition has been filed against the order passed by the Presiding Officer of the ESI Court, Madurai in I.A.No.294 of 2018 in E.S.I.O.P.No.90 of 2018, dated 10.01.2019.

2. The Recovery Officer/second petitioner has issued the garnishee order on 12.09.2018. Challenging the said garnishee order,

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the respondent herein filed E.S.I.O.P.No.90 of 2018 before the Employees State Insurance Court (Labour Court), Madurai on 22.11.2018 along with I.A.No.294 of 2018. In the said I.A.No.294 of 2018 in E.S.I.O.P.No.90 of 2018, the ESI Court, Madurai has passed an order on 10.01.2019, granting stay of the operation of the garnishee order passed by the second petitioner, dated 12.09.2018. The Labour Court, Madurai while passing the order of stay, made it clear that since the E.S.I.O.P. is pending, the amount due to the respondent/Educational Institution cannot be ascertained.

3. It is the contention of the learned counsel for the revision petitioners that the garnishee order issued by the second petitioner cannot be challenged before the ESI Court, Madurai. Therefore, challenging the said stay granted by the Labour Court, Madurai, the present Civil Revision Petition has been filed.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. This Court is not in a position to ascertain the contentions made by the learned counsel for the revision petitioners. The second petitioner herein has raised a demand and issued garnishee order and challenging the said demand and garnishee order, the respondent has approached the E.S.I.Court, Madurai and the same is pending. Pending the E.S.I.O.P., the ESI Court, Madurai has granted interim stay till the disposal of the E.S.I.O.P. In such circumstances, this Court do not find any infirmity in the order passed by the ESI Court, Madurai. Accordingly, the Civil Revision Petition is dismissed. However, this Court directs the Presiding Officer, ESI Court, Madurai to dispose of the E.S.I.O.P.No.90 of 2018 within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)

Akv

To

The Presiding Officer of the ESI Court,
Madurai.

+1 CC to Mr.P.GANAPATHISAMY, Advocate (SR-100662[F] dated 22/11/2019)

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21.11.2019

VB(06.01.2020) 2P 3C

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