

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.1912 of 2020

RR Matric School,
Rep. by its Correspondent,
R.Radhakrishnan,
Jayalakshmi Nagar,
Near Police Station,
Nellikuppam,
Cuddalore District.

...Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Principal Secretary,
Labour and Employment Department,
Fort St.George,
Chennai 600 009.

2.The Employees State Insurance Corporation,
Regional Office (Tamil Nadu),
Rep. by its Regional Director,
No.143, Sterling Road, Nungambakkam,
Chennai 600 034.

3.The Branch Manager,
Indian Overseas Bank,
Nellikuppam Branch,
Nellikuppam Village, Nellikuppam,
Cuddalore 603 108.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the impugned notice No.TN/RECY/45(g)-51001109390001302 dated 10.05.2019 issued by the second respondent and consequential notice S.No.TN/Recy/51-00-110939-000-1302 dated 23.07.2019 issued by the second respondent herein and quash the same.

For Petitioner : Mr.R.Sagadevan

For Respondents : Mr.K.Magesh for R1
Special Government Pleader
Mr.S.P.Srinivasan for R2

O R D E R

This writ petition is filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice No.TN/RECY/45(g)-51001109390001302 dated 10.05.2019 issued by the second respondent and consequential notice S.No.TN/Recy/51-00-110939-000-1302 dated 23.07.2019 issued by the second respondent herein and quash the same.

2. Heard both sides.

3.Learned counsel for the petitioner submitted that though this writ petition is filed seeking to quash the impugned proceedings, the petitioner is confining his relief only with regard to the time granted for making the impugned demand. Thus, it is contended that if sufficient time is granted to the petitioner to pay the impugned demand, the petitioner would be satisfied.

4. Learned counsel for the respondents submitted that the impugned proceedings were issued in accordance with law by following due procedure and therefore, the petitioner is bound to pay the same.

5. Learned counsel for the petitioner, apart from making the above submissions, has also made an endorsement in the writ petition that the petitioner is ready to pay the amount in four installments.

6.Though this writ petition is filed to challenge the impugned proceedings, in view of the present stand taken by the writ petitioner that they are not aggrieved against the quantum but only against the time for making such payment, this Court is of the view that interest of both parties would be protected, if the petitioner is directed to make the payment in four installments.

7. Accordingly, this writ petition is disposed of, by directing the petitioner to pay the sum of Rs.9,35,078/- (Rupees Nine Lakhs Thirty Five Thousand and Seventy Eight only) in four equal monthly installments commencing from 02nd March 2020. Every installment shall be paid on or before the second day of the said month. If any one of the installment is not paid, it is open to the respondents to take proceedings to recover the balance sum by resorting to the procedures available under law.

On making the first installment on 02.03.2020, the respondents shall lift the bank attachment. Apart from making the impugned demand in installments as ordered supra, the petitioner shall also pay the current ESI contribution periodically. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St.George,
Chennai 600 009.
- 2.The Employees State Insurance Corporation,
Regional Office (Tamil Nadu),
Rep. by its Regional Director,
No.143, Sterling Road, Nungambakkam,
Chennai 600 034.
- 3.The Branch Manager,
Indian Overseas Bank,
Nellikuppam Branch,
Nellikuppam Village, Nellikuppam,
Cuddalore 603 108.

+1cc to Mr.R.Sagadevan , Advocate SR.No. 9179

+1 cc to Government Pleader Sr.No.9992

+1cc to Mr.S.P.Srinivasan , Advocate SR.No. 9177

W.P.No.1912 of 2020

A.SK(19/02/2020)

सत्यमेव जयते

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