

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.08.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 8278 of 2020
and
W.M.P. Nos. 9942 and 9943 of 2020

Raviganth

... Petitioner

-vs-

1. The Recovery Officer,
Employee's State Insurance Corporation,
"Panchdeep Bhavan", No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.
2. The Authorised Officer,
Employee's State Insurance Corporation,
"Panchdeep Bhavan", No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records of the first respondent impugned proceedings No.TN/RECY/45G/51 51001010240000902/CCR-67674-90170 dated 16.03.2020 and quash the same as arbitrary and illegal.

For Petitioner : Mr. V.J.Arulraj

For Respondents: Mr.C.V.Ramachandramurthy

O R D E R
(through video conference)

Heard Mr. V.J.Arulraj, Learned Counsel for the Petitioner and Mr. C.V.Ramachandramurthy, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is pointed out by the Learned Standing Counsel for the Respondents that the order No.TN/RECY/45G/51 51001010240000902/CCR-67674-90170 dated 16.03.2020, which is impugned in this Writ Petition is a consequential order for recovery in furtherance to the order No.TN/INS.VIII/51-00-101024-000-0902/C18 Adhoc dated 04.05.2016 passed by the Second Respondent assessing the amount of contribution payable by the Petitioner under Section 45-A of the Employees State Insurance Act, 1948 (hereinafter referred to as 'the Act' for short) and in the absence of any challenge to that parental order, the Petitioner cannot prosecute this Writ Petitioner for the relief claimed. He relies on the decisions of this Court in Saidapet Co-operative Milk Producers Society Ltd., -vs- Deputy Director, ESI Corporation Regional Officer (Tamil Nadu) (order dated 04.08.2017 in C.M.A. No. 469 of 2015) and M/s. Hexaware Technology -vs- Commissioner, Employees State Insurance Corporation, Chennai (order dated 30.10.2019 in W.P. No. 29677 of 2018).

3. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to challenge the order No.TN/INS.VIII/51-00-101024-000-0902/C18 Adhoc dated 04.05.2016 passed by the Second Respondent by approaching the Employees State Insurance Court under Section 75 of the Act along with an application to condone the delay in filing the same under Rule 17 of the Tamil Nadu Employees Insurance Court Rules, 1951, and he has also sent a confirmatory e-mail to that effect, which is placed on record. It is made clear that the Petitioner is not precluded from seeking any interim relief including that related to enforcement of the order impugned in this Writ Petition, before the Employees State Insurance Court in the said proceedings, and that no view is expressed by this Court on the correctness or entitlement of the claim made by the Petitioner in that regard.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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-s/d-

Assistant Registrar

True Copy

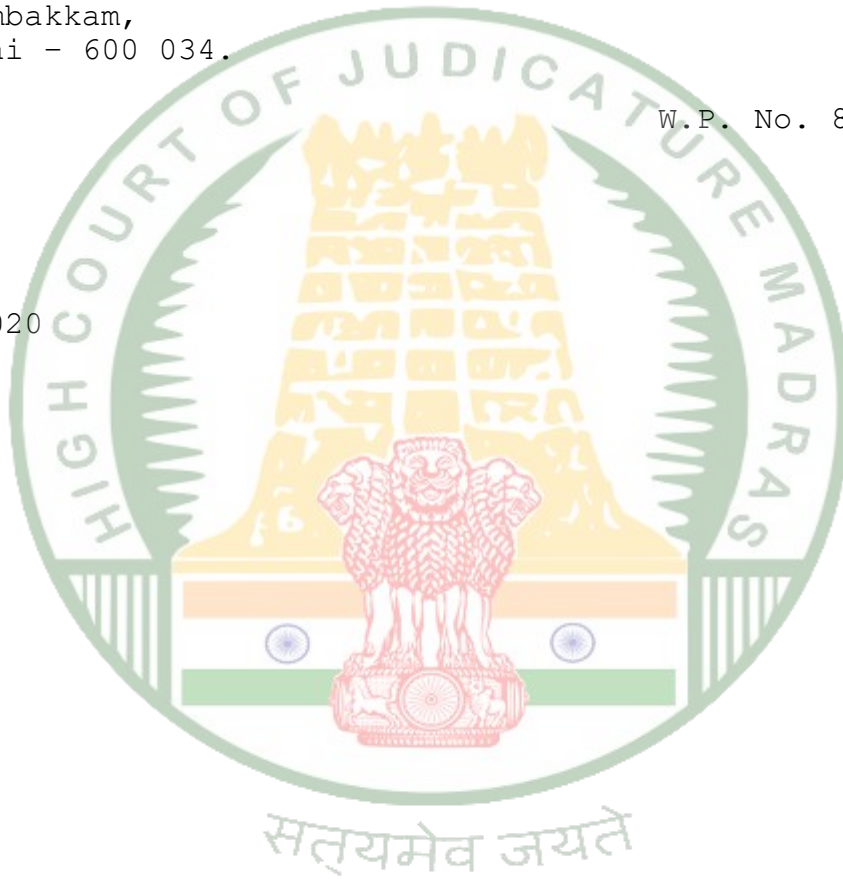
Sub-Assistant Registrar

To

1. The Recovery Officer,
Employee's State Insurance Corporation,
"Panchdeep Bhavan", No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.
2. The Authorised Officer,
Employee's State Insurance Corporation,
"Panchdeep Bhavan", No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

W.P. No. 8278 of 2020

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