



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.10669 of 2012

and

M.P (MD)No.1 of 2012

WEB COPY

Valarmathi

... Petitioner

Vs.

1. The Authorised Officer,
Employees State Insurance Corporation,
Sub-Regional Office,
2nd West Street, K.K.Nagar,
Madurai - 20

2. The Recovery Officer,
Office of the Recovery Office,
Sub Regional Office (Madurai),
Employees State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from proceeding further with the impugned notice of the 2nd respondent in his proceedings in No.57/RRC/00/020299/000/1002/SRO/MDU/12, dated 21.06.2012 till the details and particulars of alleged arrears are furnished to the petitioner.

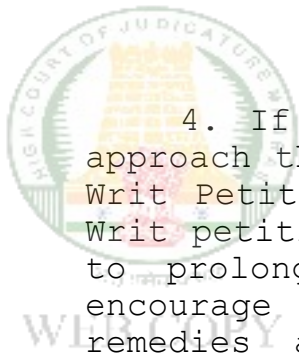
For Petitioner : Mr.T.Kumar
For Respondents : Mr.K.C.Ramalingam

O R D E R

The show cause notice issued by the Recovery Officer of the Employees State Insurance Corporation in Form CP-26, is under challenge in the present Writ Petition.

2. The impugned show cause notice states that the petitioner should appear before the Recovery Officer on 3rd July 2012 at 11.45 a.m. Instead of appearing before the Recovery Officer and submitting her explanation, the Writ Petitioner has chosen to file the present Writ Petition.

3. The learned counsel for the petitioner states that the respondents have not furnished the copies of the documents and details



4. If that is the grievance, then also the petitioner has to approach the Competent Authorities or the Forum and not by way of a Writ Petition under Article 226 of the Constitution of India. Such Writ petitions challenging the show cause notice are filed in order to prolong and protract the issues. Thus, the Court cannot encourage such idea of prolonging the matters. Under the ESI Act, remedies are available to the petitioner and therefore, writ petition cannot be entertained. Even otherwise, no writ can be entertained against a show-cause notice and the Writ can be entertained only on certain limited grounds, if the show-cause notice is issued by an incompetent Authority.

5. In the present case, the show-cause notice is issued by the Recovery Officer and if at all any grievance exists, the petitioner is to approach the Competent Authority, by way submitting his explanation or to redress her remedy in the manner known to law. Contrarily, by filing the Writ Petition, the writ petitioner cannot prolong the issues and the respondents are bound to continue the proceedings, by following the procedures contemplated.

6. In this view of the matter, the present Writ Petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

W.P. (MD) No.10669 of 2012

16.12.2020

NA (CO)

CS (28.12.2020) 2P 1C