



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15555 of 2012

and

M.P (MD)No.1 of 2012

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Samba Publishing Company (P) Ltd.,
Represented through its
Factor Manager K.P.Sivakumar,
Kasipalayam,
Vedasandur Taluk,
Dindigul District.

... Petitioner

Vs.

1.The Deputy Director,
Employees State Insurance Corporation,
Sub-Regional Office,
4th Man Road, K.K.Nagar,
Madurai - 625 020

2.The Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office,
4th Main Road, K.K.Nagar,
Madurai - 625 020.

... Respondents

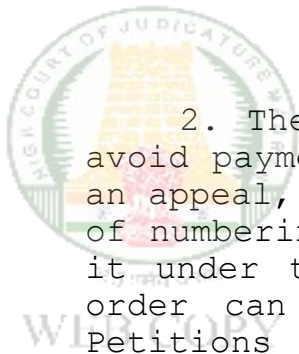
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents not to take any coercive steps for recovery of the ordered amount in No.57-00-047249-000-0802/INS.I/SRO/MDU 765, 766/07 [Ad], dated 24.07.2012, till the statutory petition filed by the petitioner before the Employees State Insurance Court, Madurai in SR.No.2316, dated 06.11.2012, under Section 75(1)g of the Employees State Insurance Act, is taken up for hearing.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.P.Ganapathy Samy

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents 1 and 2 not to take any coercive steps for the recovery of ordered amount, still the statutory petition filed before the Employees State Insurance Court in S.R.No.2316, under Section 75(1)g of the Employees State Insurance Act, is taken up for hearing.



2. The very idea of filing of the present writ petition is to avoid payment of deposit contemplated under the ESI Act. On filing an appeal, the petitioner has to deposit some amount for the purpose of numbering of the appeal. By simply filing an appeal and keeping it under the S.R.stage and filing a Writ Petition for an interim order can never be encouraged by the High Court. Such Writ Petitions are not entertainable under Article 226 of the Constitution of India. Once an appeal is filed even for interim order, the petitioner is bound to approach the same Court before which the appeal is filed. Contrarily, he cannot keep the appeal pending at S.R.Stage and file a writ petition for the purpose of getting an order with an idea to prolong and protract the issues. Such idea of the litigant can never be appreciated, but to be deprecated.

3. This Court is of the considered opinion that the petitioner has to approach the Competent Forum, as he has already filed an appeal. Thus, the present Writ Petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Deputy Director,
Employees State Insurance Corporation,
Sub-Regional Office,
4th Man Road, K.K.Nagar,
Madurai - 625 020

2.The Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office,
4th Main Road, K.K.Nagar,
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