



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.1221 of 2020

and

WMP (MD) Nos.992 and 993 of 2020

WEB COPY

The Principal
Amala Matriculation Higher Secondary School,
Thuckalay - 629 175,
Kanyakumari District.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Labour & Employment Department,
Fort St. George,
Chennai - 9.

2.The Employees State Insurance Corporation,
rep.by its Regional Director,
No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

3.The Deputy Director/
Authorised Officer,
Sub Regional Office,
ESI Corporation,
Panchdeep Bhawan,
ESIC Complex,
Salai Street,
Vannarpettai,
Tirunelveli - 627 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari calling for the records relating to the impugned orders issued by the 3rd Respondent Deputy Director in No.66000410510001302/INS-I/SRO/TLI dated 01-07-2019 and the consequential impugned Letter No.66-00-041051-000-1302/45A/SRO/TLI/550/19/315/19 dated 26-12-2019 quash the same.

For Petitioner
For R1

: Mr.T.Cibi Chakraborty
: Mrs.J.Padmavathi Devi
Special Government Pleader
: Mr.N.Dilipkumar

For R2 & R3



ORDER

Challenging the order passed under Section 45-A of the ESI Act, 1948 with regard to the payment of ESI contribution by the petitioner, this writ petition is filed. Without going into the merits of the case, the following order is passed.

2.The learned counsel for the petitioner submits that the demand is for a sum of Rs.22,31,337/- for the period from August 2014 to August 2018. But the contention of the petitioner is that, of the total 73 employees, 19 of the employees are already left and the contribution towards them would be approximately Rs.4,35,784/-. The petitioner is willing to pay the balance, excluding the above said sum, which comes approximately around Rs.18 lakhs in monthly installments.

3.Considering the fact that in several matters, ESI demands have been allowed to be paid in monthly installments for the educational institutions, this Court is of the view that 18 installments may be granted for the petitioner to pay the ESI contribution. Accordingly, the petitioner is directed to pay Rs.1 lakh per month for 18 months. The first installment shall commence from the 1st of March, 2020 and continue to pay the remaining installments on every first day of succeeding calendar month. So far as the contribution which has been withheld by the petitioner with respect to the 19 employees who are alleged to have been left, the third respondent is directed to conduct an enquiry on submission of relevant documents in that regard and pass a fresh assessment order. However, it is made clear that the payment of Rs.18 lakhs in 18 installments is not the final amount, it is subject to the outcome of the enquiry, which is directed as above.

4.With the above direction, this writ petition is disposed of. No costs. Consequently, WMP(MD)Nos.992 and 993 of 2020 are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

The Secretary,
State of Tamil Nadu,
Labour & Employment Department,
Fort St. George,
Chennai - 9.

+1 CC to MR.T.CIBI CHAKRABORTHY, Advocate (SR-4536[F] dated
04/02/2020)

+1 CC to MR.N.DILIP KUMAR, Advocate (SR-4660[F] dated
04/02/2020)

W.P (MD) No.1221 of 2020
03.02.2020

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