



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.17408 of 2019

and

W.M.P. (MD) Nos.13917, 13919 & 13920 of 2020

Mahatma Montessori Matriculation
Higher Secondary School,
Rep. by its Correspondent,
S.Premalatha,
Gopalakrishnan Gardens,
Alagarkovil Road, Madurai 625 301

... Petitioner

Vs.

The Deputy Director,
Sub Regional Office(Madurai),
Employee's State Insurance Corporation,
ESI Corporation, 2nd West Street,
KK Nagar, Madurai District 625 020

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.57-00-072919-000-1302 / Ins.II / SRO / MDU dated 24/07/2019 on the file of the Respondent and quash the same as illegal and consequently for a direction forbearing the respondent from recovering any amount under ESI Scheme from the petitioners' School.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.P.Ganapathisamy

O R D E R

This Writ Petition has been filed seeking for a direction to call for the records pertaining to the impugned order in No.57-00-072919-000-1302 / Ins.II / SRO / MDU dated 24/07/2019 on the file of the respondent and quash the same as illegal and consequently for a direction forbearing the respondent from recovering any amount under ESI Scheme from the petitioners' School.



2. The petitioner has challenged the notice issued by the respondent in No.57-00-072919-000-1302 / Ins.II / SRO / MDU dated 24/07/2019 calling upon the petitioner to comply with the provisions of the ESI Act. The said notice clearly states that the date of coverage was on 01.06.2013 for 36 employees and contribution is due from April 2018. The very notice itself categorically states that as per the Government of India Gazette notification No.S-38013/22/2013-S.S.I., Valayapatti village in Melur Taluk at Madurai District is covered under the ESI Scheme with effect from 01.06.2013. While so, the writ petition is filed only to quash the same as illegal.

3. When admittedly, schools are covered under the ESI Scheme, even before demand was made, the petitioner has rushed to this Court, without any merits, and considering as if the demand was made by the respondent. It is open to the petitioner to approach the respondent to pay the demanded amount in installments, subject to the approval of the respondent.

4. This Court finds no merit in the prayer sought for by the petitioner. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-

/ True Copy /

Sub Assistant Registrar(CS-)

To

The Deputy Director,
Sub Regional Office(Madurai),
Employee's State Insurance Corporation,
ESI Corporation, 2nd West Street,
KK Nagar,
Madurai District 625 020

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-5805[F] dated 12/02/2020)

+1 CC to M/s.P.GANAPATHISAMY, Advocate(SR-5927[F] dated 12/02/2020)

Order made in
W. P (MD) No.17408 of 2019

Dated:

11.02.2020

ME/SAR /18.03.2020/2P/4C