



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5875 of 2018

WEB COPY

M/s.Sree Venkateswara

Matriculation Higher Secondary School,
rep. by its Correspondent,
T.S.No.7098, Mariamman Koil Street,
Thirugokarnam,
Pudikkottai.

... Petitioner

Vs.

The Deputy Director,
Employees State Insurance Corporation,
2nd West Street,
K.K.Nagar, Madurai 625 020

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent from demanding Contribution, Interest, Damages, Process Fee and Future Interest towards Employees State Insurance for the employees working in the Petitioner School till the disposal of the matter in Civil Appeal No.897/2012 with Batch referred to and pending before the Honourable Larger Bench of Supreme Court.

For Petitioner : Mr.D.Rameshkumar
For Respondent : Mr.R.Ravindar

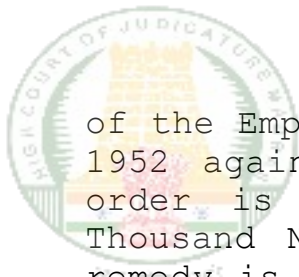
O R D E R

Mr.R.Ravindar, learned standing counsel takes notice for the respondent/Employees State Insurance Corporation.

2. By consent of both parties, the writ petition is taken up for final disposal.

3. This writ petition has been filed seeking issuance of a Writ of Mandamus, to forbear the respondent from demanding Contribution, Interest, Damages, Process Fee and Future Interest towards Employees State Insurance for the employees working in the Petitioner School till the disposal of the matter in Civil Appeal No.897/2012 with Batch referred to and pending before the Honourable Larger Bench of Supreme Court.

4. The respondent has passed an order in proceedings 57/00/071903/000/1302/ RRC/SRO/MDU/2016/16 dated 23.03.2017 demanding remittance of dues, in accordance with the provisions



of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner herein. The total due as per the order is Rs.2,73,930/- (Rupees Two Lakhs and Seventy Three Thousand Nine Hundred and Thirty only). Even though an appeal remedy is available against this order, the petitioner is willing to comply with the order. But he expressed his inability to make the payment in one stroke. Therefore, he seeks permission from this Court to make the payment in three equal monthly installments.

5. The learned standing counsel appearing for the respondent would vehemently opposed the proposal made by the petitioner. The learned counsel would submit that 3 installment is a too long a period and it should be restricted.

6. After some deliberations, the petitioner agreed that he would pay the demand in three equal monthly installments.

7. Considering the factual circumstances, the petitioner is directed to make the demanded payment in three equal monthly installments and the first installment shall be paid on or before 01.03.2020 and the following installments should be paid on or before 01.04.2020 and 01.05.2020. In case of any default, the respondent is entitled to initiate action in accordance with law.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Deputy Director,
Employees State Insurance Corporation,
2nd West Street,
K.K.Nagar, Madurai 625 020

SS (CO)

TR(27.02.2020) 2P 2C

Order made in
W.P(MD)No.5875 of 2018
Dated: **13.02.2020**