



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.1425 of 2021
and MP.No.1607 of 2021

M/s.St.Thomas Matriculation Higher Secondary School,
Rep. by its Correspondent,
T.Rajan Mathews
No.14, Sai Nagar, Chinnasekkadu,
Manali, Chennai 600 068.

... Petitioner

..Vs..

1. The ESI Corporation
Regional Office (T.N.) Rep.by its
Regional Director, Panchadeep Bhavan
No.143, Sterling Road,
Chennai 600 034.

2. The Assistant / Deputy Director
Regional Office (Tamil Nadu)
Employees State Insurance Corporation
No.143, Sterling Road,
Chennai 600 034.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order of the second respondent passed in No.TN/INS/VIII/51-00100995-1302 dated 27.10.2020 and quash the same.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents: Mr.G.Bharadwaj
Standing Counsel

ORDER

This writ petition has been filed to call for the records relating to the order of the second respondent passed in No.TN/INS/VIII/51-00100995-1302 dated 27.10.2020 and quash the same.

2. The writ petition has been filed against the Show cause notice issued on 27.10.2020. The contention of the Management School is that beyond five years no proceedings could be initiated.



3. Since it is only a show cause notice, it is open to the School to put forth all the defence available before the ESIC, which shall consider the pleadings of the School and pass appropriate orders on merits after affording an opportunity of personal hearing to the School. In case the Petitioner-School is aggrieved by the order that may be passed under Section 45-A of the ESI Act, 1948, it is open to him to question the said order by filing an appeal under Section 45AA of the Act or invoke Section 75 of the ESI Act 1948. In case of any adverse order by ESIC, it is open to the School to agitate the remedy under Section 82 of the ESI Act.

4. With the above observation the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

dpq

To

1. The ESI Corporation
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Regional Director, Panchadeep Bhavan
No.143, Sterling Road,
Chennai 600 034.
2. The Assistant / Deputy Director
Regional Office (Tamil Nadu)
Employees State Insurance Corporation
No.143, Sterling Road,
Chennai 600 034.

+1cc to Mr.G.Bharadwaj, Advocate SR.No.32744

+1cc to Mr.P.Ebenezer Paul, Advocate SR.No.32816

W.P.No.1425 of 2021
and WMP.No.1607 of 2012

JPL (CO)
GMY (06/08/2021)