

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5310 of 2021

and

WMP Nos.5872 & 5875 of 2021

K.Mani

... Petitioner

-vs-

1. The Recovery Inspector,
ESI Corporation,
3/57, Theerthamalai Vaniga Valagam,
3 Roads, Salem,
Salem District - 636 009.

2. The Deputy Director,
ESI Corporation,
3/57, Theerthamalai Vaniga Valagam,
3 Roads, Salem,
Salem District - 636 009.

... Respondents

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 proceeding Nil dated 20.01.2021 passed by the 1st respondent, quash the same.

For Petitioner : Mr.M.Elango

For Respondents: Mr.S.P.Srinivasan

सत्यमेव जयते
O R D E R

This Writ Petition has been filed, to quash the proceedings No.Nil, dated 20.01.2021 issued by the 1st respondent, whereby the petitioner was asked to pay a sum of Rs.1,57,268/- with interest towards contribution.

2. When the matter is taken up for hearing, the learned counsel for the petitioner seeks permission of this Court to approach the ESI Court for redressal of his grievance.

3. Against the order passed under Section 45 A of the ESI Act, 1948, the petitioner has got an appeal remedy within the department which has got to be filed within a period of 60 days by remitting 25 % of the amount. In case, the petitioner fails to avail that remedy, it does not mean that the petitioner is

without any remedy. It is still open to him to redress his grievance by invoking Section 75 of the ESI Act, 1948, which is a self contained code and the Code has got powers to grant interim order.

4. The Writ Petition is closed with liberty. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Recovery Inspector,
ESI Corporation,
3/57, Theerthamalai Vaniga Valagam,
3 Roads, Salem,
Salem District - 636 009.
2. The Deputy Director,
ESI Corporation,
3/57, Theerthamalai Vaniga Valagam,
3 Roads, Salem,
Salem District - 636 009.

+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No. 24325

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SS(CO)
GN(07/07/2021)

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