



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5509 of 2021
and
WMP Nos.6124 and 6125 of 2021

St.Joseph's Matriculation Higher Secondary School,
Rep. by its Correspondent,
Karamadai Pirivu,
Jadayampalayam,
Mettupalayam,
Coimbatore- 641 302.

... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai 600009.
2. E.S.I-Regional Corporation (Tamil Nadu)
Rep. by its Regional Director
143, Sterling Road
Chennai - 600 034.
3. E.S.I. - Sub Regional Corporation (Tamil Nadu)
Rep. by its Deputy Director
1897, Trichy Road
Panchdeep Complex, Ramanathapuram,
Coimbatore- 641 045.
4. The Social Security Officer
ESI Corporation
Inspection Division- Mettupalayam
Bharat Bhavan Road
Mettupalayam 641 301.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandams to call for the records pertaining to the impugned notice dated 29.01.2021, in No.56001112120001302/Ins IV/Cbe, on the file of the 3rd respondent in respect of the petitioner



school and quash the same, directing the respondents to consider the waiver of Damages and interest u/s 91C of ESI Act, 1948, in terms of the order dated 29.07.2020 of the Full Bench of this Court in the batch of Writ Petitions in W.P.No.34236 of 2019.

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For Petitioner : Mr.Xavier Arulraj
for M/s.Father Xavier Associates

For Respondents : Mr.LSM.Hasan Fizal (R1)
Government Advocate
Mr.G.Bharadwaj (R2 to R4)

O R D E R

The petitioner has come forward with this Writ Petition challenging the impugned notice dated 29.01.2021, in No.56001112120001302/Ins IV/Cbe, on the file of the third respondent in respect of the petitioner school and quash the same and direct the respondents to consider the waiver of Damages and interest u/s 91C of ESI Act, 1948, in terms of the order dated 29.07.2020 of the Full Bench of this Court in the batch of Writ Petitions in W.P.No.34236 of 2019.

2. Heard both sides. Perused the records.

3. Considering the facts and circumstances of the case, this Court is not inclined to grant relief as sought for by the petitioner. However, it is made clear that it is open to the petitioner-school to make an application under Section 91C of The Employees State Insurance Act, 1948 and if any such application is made, the Respondents shall consider the same on merits and pass orders, within a period of one month from the date of filing of the application, after affording opportunity. In case of adverse orders, the remedy lies under Section 75 and thereafter under Section 82 of the Employees State Insurance Act, 1948.

4. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai 600009.
2. The Regional Director,
E.S.I-Regional Corporation (Tamil Nadu)
143, Sterling Road
Chennai - 600 034.
3. The Deputy Director,
E.S.I. - Sub Regional Corporation (Tamil Nadu)
1897, Trichy Road
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4. The Social Security Officer
ESI Corporation
Inspection Division- Mettupalayam
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Mettupalayam 641 301.

+2cc to M/s.Father Xavier Associates, Advocates, S.R.No.31829
+1cc to Mr.G.Bharadwaj, Advocate, S.R.No.31528
+1cc to the Government Pleader, High Court, Madras, S.R.No.31692

W.P.No.5509 of 2021

AK-II(CO)
SB(27/07/2021)