

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7369 of 2021

and

W.M.P.Nos.7870 & 7871 of 2021

Bishop Francis Matriculation School,
Rep.by its Correspondent,
N.G.G.O.Colony, Coimbatore - 641 022. ... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
- 2.E.S.I. - Regional Corporation (Tamil Nadu)
Represented by its Regional Director,
143, Sterling Road, Chennai - 600 034.
- 3.E.S.I. - Sub - Regional Office (Tamil Nadu),
Represented by its Assistant Director,
Panchdeep Complex 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.
- 4.E.S.I. - Sub Regional Corporation (Tamil Nadu),
Rep.by its Deputy Director
1897, Trichy Road, Panchdeep Complex,
Ramanathapuram, Coimbatore - 641 045. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 05.02.2021 under C18 - Adhoc, in No.56001108430001301 / 1292021348, on the file of the 4th respondent in respect of the petitioner school and quash the same directing the respondents to consider the waiver of arrears of contribution, Interest and Damages u/s 91C of ESI Act, 1948, in terms of the order dated 29.07.2020 of the Full Bench of this Hon'ble High Court in the batch of writ petitions in W.P.No.34236 of 2019.

For Petitioner : FR.S.Savari Muthu

For Respondents: Ms.Thangavadhana Balakrishnan
Additional Government Pleader
for R1
Mr.G.Bharadwaj, Standing Counsel
for R2 to R4

O R D E R

The writ petition is directed against the show-cause notice dated 05.02.2021 issued by the fourth respondent.

2. The learned counsel appearing for the respondents 2 to 4 would submit that the date of hearing was posted on 16.03.2021. Even without submitting the records by availing opportunity, the petitioner has approached this Court.

3. However, the learned counsel for the petitioner would submit that though the matter has been posted for hearing on 16.03.2021, no opportunity was given to produce the records.

4. Considering the facts and circumstances of the case, the petitioner is directed to approach the respondents with all the documents as required by the respondents as well as proof of payments made by them on a date to be fixed by the respondents

5. The respondents are directed to provide ample opportunity to the petitioner to produce all the documents and also provide opportunity of personal hearing and thereafter pass orders.

6. With the above observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS III)

//True Copy//

WEB COPY Sub Assistant Registrar

Pns

To

1.The Principal Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.

2.Regional Director,
E.S.I. - Regional Corporation (Tamil Nadu)
143, Sterling Road, Chennai - 600 034.

3.Assistant Director,
E.S.I. - Sub - Regional Office (Tamil Nadu),
Panchdeep Complex 1897,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.

4.Deputy Director,
E.S.I. - Sub Regional Corporation (Tamil Nadu),
1897, Trichy Road, Panchdeep Complex,
Ramanathapuram, Coimbatore - 641 045.

+1 cc to M/s.Father Xavier Associates, Advocate Sr.No. 19901
+1 cc to M/s.G.Baradwaj, Advocate Sr.No. 19771

W.P.No.7369 of 2021

SKY(CO)
RMP(04/05/2021)



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