



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9898 of 2021
and
W.M.P.No.10518 of 2021

Presentation Nursery School,
Rep by its Correspondent,
No. 4, Mclean street,
George Town,
Chennai - 600 001.

...Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Principle 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. - Regional Office,
Represented by its Deputy Director,
143, Sterling Road,
Chennai - 600 034.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned notices dated 01.11.2019, in No. TN/Ins-VIII/ 51-00-106838-000-1301/C18 Adhoc, and the consequential notice dated 10.11.2019, No. 51-00-106838-000-1301/Ins-8, 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 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.



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For Petitioner : M/s.A.Arul Mary

For Respondents : Mr.S.Arumugam,
Government Advocate for R1
Mr.S.P.Srinivasan for R2 & R3

ORDER

The petitioner herein is a Nursery School. Though the petitioner herein had challenged the notices dated 01.11.2019 and 10.11.2019, whereby the Employees State Insurance Corporation has claimed contributions, the learned counsel for the petitioner would submit that the petitioner school is willing to make the payment as demanded in the impugned notices.

2. In view of such a submission, it would be appropriate to grant liberty to the petitioner to approach the respondent-Corporation and make the necessary payments within a stipulated time.

3. Accordingly, the petitioner herein is granted liberty to make the payments demanded in the impugned notices dated 01.11.2019 and 10.11.2019, atleast within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands ordered, accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Principle Secretary,
The Government of Tamil Nadu,
Labour and employment Department,
Fort St. George, Chennai - 600 009.
2. The Regional Director,
E.S.I. - Regional Corporation (Tamil Nadu),
143, Sterling Road,
Chennai - 600 034.



3. The Deputy Director,
E.S.I. - Regional Office,
143, Sterling Road,
Chennai - 600 034.

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+1CC to M/s.Father Xavier Associates, Advocate, Sr.No.44443
+1CC to Government Pleader, Sr.No.44559

W.P.No.9898 of 2021
and
W.M.P.No.10518 of 2021

NR (CO)
K.RK. (24.09.2021)