



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12286 of 2021
and WMP.Nos.13058 & 13059 of 2021

M/s.Rapidcare Transcription Pvt.Ltd.,
Rep.by its Managing Director,
Mr.V.L.Venkatasubramaniam
No.21, New No.41, VLV Complex, 2nd floor,
Mount Road, Little Mount,
Saidapet, Chennai 600 015.

... Petitioner

-vs-

1. The Employees' State Insurance Corporation
Rep.by its Regional Director,
143, Sterling Road,
Chennai 600 034.

2. The Deputy Director,
Employees' State Insurance Corporation
143, Sterling Road,
Chennai 600 034.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records culminated in impugned order dated 26.02.2021 passed by the Employees Insurance Court (Principal Labour Court), Chennai in E.S.I.O.P.No.42 of 2014 and culminated in the impugned order bearing No.TN/Ins.IV/51000774270001008/C-18(ad)/4660A/8-13 dated 25.03.2014 passed by the second respondent herein and quash the same and consequently declare that the petitioner is not liable to pay ESI contribution for the charges/payments made to the third party companies/freelancers.

For Petitioner	:	Mr.D.Ferdinand
For Respondents	:	Mr.C.V.Ramachandramoorthy for R1 & R2

ORDER

When the matter is taken up for hearing, Mr.D.Ferdinand, (E.No.1590 of 1999) Mobile No.9551178990, learned counsel appearing for the petitioner seeks permission of this Court to



withdraw this petition with liberty to file an appeal under Section 82 of the ESI Act, 1948 before the appropriate forum and has also sent an email to the Registry with the following endorsement:

"I am the counsel for the petitioner in the above captioned matter. The writ petition 12286 of 2021 came up for hearing on 18th June, 2021 for admission before Hon'ble Justice Mr.Vaidhyanathan as Item No.1. We hereby undertake to withdraw the writ petition with the liberty to approach this Hon'ble Court with an Appeal under Section 82 of the Employees State Insurance Act, 1948".

2. In view of the above submission and as per the endorsement supra, the Writ Petition is dismissed as withdrawn, with liberty to the petitioner to approach the Appropriate Forum invoking Section 82 of the ESI Act, 1948. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dpq

To:

1.The Regional Director,
The Employees' State Insurance Corporation
143, Sterling Road,
Chennai 600 034.

2. The Deputy Director,
Employees' State Insurance Corporation
143, Sterling Road,
Chennai 600 034.

+1cc to Mr.C.V.Ramachandra Murthy, Advocate, S.R.No.28550

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PMK(CO)
CB(22/07/2021)