



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15671 of 2021
and WMP.No.16575 of 2021

Sairam Vidyalaya
Rep.by its Chief Executive Officer/Correspondent
Koodapakkam Main Road
Ulavaikkal
Villianur
Puducherry 605 502.

... Petitioner

-vs-

1. Employee State Insurance Corporation
Rep.by its Regional Director/Additional Commissioner
Regional Office
ESIC Complex, Bouvankare Street,
Mudaliarpeta,
Puducherry 605 004.

2. The Assistant Director
Employees State Insurance Corporation
Regional Office
ESIC Complex, Bouvankare Street,
Mudaliarpeta,
Puducherry 605 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus after calling for the concerned records from the 2nd respondent quash the order of the 2nd respondent dated 09.07.2021 bearing No.PDY/INS/55-00-045608-000-1301 as illegal, arbitrary and contrary to law and consequently direct the respondents to write off/waive the contribution assessed by the 2nd respondent vide order dated 06.01.2021 bearing No.PDY/INS/55-00-045608-000-1301/7152 being the contribution for the period from January 2016 to June 2019.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.G.Bharadwaj



O R D E R

This Writ Petition has been filed, challenging the order of the 2nd respondent dated 09.07.2021, bearing No.PDY/INS/55-00-045608-000-1301, in and by which, the request for waiver of contribution was declined. The Petitioner also sought for a direction to the respondents to write off / waive the contribution assessed by the 2nd respondent.

2. It is the case of the Petitioner-School that owing to Covid-19 pandemic, the School is not in a position to collect fee from students and the School has been paying the salary to the Teaching and Non-Teaching staff with great difficulty. Therefore, the demand of the Respondents towards contribution is not justified and the Respondents are taking steps to recover the claim.

3. Taking note of the fact that the entire world has been shaken on the sudden impact of Covid-19 pandemic and there has been financial crisis all over the world, this Court has to see the balance of convenience of either side in the interest of justice. Therefore, it is directed that the amount so claimed, namely, Rs.6,37,065/- towards contributions shall be paid in six instalments.

4. Accordingly, this Writ Petition is disposed of, with a direction to the School to remit the amount in six equal instalments and the 1st installment shall commence from 31.10.2021 and the subsequent installment shall be paid in equal installments on the last working day of every month from November, 2021. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

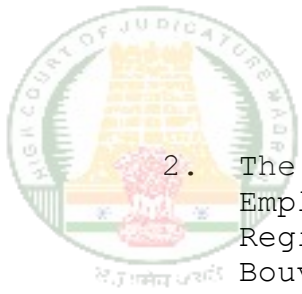
//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Regional Director / Additional Commissioner
Employee State Insurance Corporation
Regional Office, ESIC Complex, Bouvankare Street,
Mudaliarpeth, Puducherry 605 004.



2. The Assistant Director
Employees State Insurance Corporation
Regional Office, ESIC Complex,
Bouvankare Street, Mudaliarpeta,
Puducherry 605 004.

WEB COPY

+1CC to Mr.Balanharidas, Advocate, Sr.No.37078
+1CC to Mr.G.Bharadwaj, Advocate, Sr.No.36774

W.P.No.15671 of 2021

SJ (CO)
K.RK. (21.10.2021)