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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16861 of 2021

and

W.M.P.No.17845 of 2021

Stanesh Matriculation School, Annur
Rep. by its Correspondent,
553-A, Kariampalayam Village,
Ellapalayam Post,
Pogalur Via
Coimbatore - 641 697.

...Petitioner

Vs

1. Employees State Insurance Corporation,
Rep. by its Regional Director,
Regional Office,
No.143, Sterling Road,
Nungambakkam,
Chennai - 600 034.
2. The Deputy Director,
Sub Regional Office,
Employees State Insurance Corporation,
No.1897, Trichy Road,
Panchadeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.
3. Recovery Officer,
Employees State Insurance Corporation,
No.1897, Trichy Road,
Panchadeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.
4. The Branch Manager,
Union Bank of India,
Avinashi Road,
Annur 641 053,
Coimbatore District.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the Application dated 05.07.2021 filed by the petitioner under Section 91C of the ESI Act for write off the contribution for the period from 01.05.2014 upto 31.03.2019 on its merits and in accordance with law.

For Petitioner : Mr.Balan Haridas

For R1 to 3 : Mr.Bharadwaj, Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's application under Section 91C of the ESI Act to write off the contribution for the period from 01.05.2014 to 31.03.2019 was not considered by the respondents, the present writ petition has been filed. According to the petitioner, they have made an application in this regard on 05.07.2021, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's application dated 05.07.2021 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent herein to consider the petitioner's application dated 05.07.2021, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.



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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

hvk

To

1. Employees State Insurance Corporation,
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4. The Branch Manager,
Union Bank of India,
Avinashi Road,
Annur 641 053,
Coimbatore District.

+1 CC to Mr.Balan Haridas, Advocate, Sr.No. 40276.

+1 CC to Mr.G.Bharadwaj, Advocate, Sr.No. 39866.

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PCH(CO)
LS(03/09/2021)