



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.22220 OF 2021

AND

W.M.P.NO.23438 OF 2021

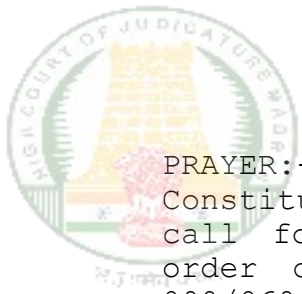
M/s.Sri Vari Ramadhan Industries,
Rep. by its Proprietor,
Mr.R.Ramasithapathy,
13/3B Eachanari Road,
Madukkarai,
Coimbatore - 641 105.

... Petitioner

.Vs.

1. The Deputy Director,
Sub-Regional Office,
Employees' State Insurance Corporation,
1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.
2. The Authorised Officer,
Employee State Insurance Corporation,
SRO - Coimbatore,
1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.
3. The Recovery Officer,
Employee State Insurance Corporation,
1897, Trichy Road,
Panchdeep Bhavan,
Ramanathapuram,
Coimbatore - 641 045.
4. The Branch Manager,
Indian Overseas Bank,
SIDCO, Kurichy,
Coimbatore - 641 021.

... Respondents



PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to the impugned prohibitory order dated 20.09.2021 bearing in No.CBE/RECY/CP-3/56/109014/000/0604 issued by the third respondent to the fourth respondent and quash the same as illegal and arbitrary.

For Petitioner : Mr.M.Vijayanand

For R1 to 3 : Mr.S.P.Srinivasan
For ESI

ORDER

The prohibitory order dated 20.09.2021 issued by the third respondent herein is put under challenge in the present writ petition.

2. The original order passed by the authority under Section 45-A of the ESI Act dated 25.02.2021 has not been challenged. There is an appeal remedy provided under Section 45-AA of the ESI Act as against the order of the authority dated 25.02.2021, which admittedly the petitioner herein has not availed of. When the Act itself provides for an appeal remedy, invoking Article 226 of the Constitution of India, without availing the alternate remedy, is not proper.

3. The learned counsel for the petitioner would make a submission that they have filed an application seeking to set aside the order of the authority dated 25.02.2021 and such an application is pending before the authority.

4. If that be so, the appropriate remedy available to the petitioner is to proceed with this application and the present writ petition, seeking for parallel adjudication, cannot be sustained.

5. In the result, I do not find any merits in the present writ petition. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ata/hvk



To

1. The Deputy Director,
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4. The Branch Manager,
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SIDCO, Kurichy,
Coimbatore - 641 021.

+2ccs to Mr.M.Vijayanand, Advocate, S.R.No.53808
+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.54032

W.P.NO.22220 OF 2021 AND
W.M.P.NO.23438 OF 2021

SMI (CO)
PBS/15/11/2021