



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. (MD) No.834 of 2013

and

M.P. (MD) No. 1 of 2013

Hajee Moosa Enterprises Private Limited,
Represented by its Director
Mrs.Nasreen Basheer,
90, Alazhar Kovil Road,
Madurai.

... Appellant

-vs-

1. The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office, (Madurai)
2nd West Street,
K.K.Nagar, Madurai.

2. The Insurance Inspector cum
Social Security Officer,
ESI Corporation,
Madurai Sub Regional Office,
Madurai.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 04.06.2013, passed by this Court in W.P. (MD) No.7463 of 2013.

Prayer in WP(MD) . 7463/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for records relating to the impugned proceedings issued by teh 1st Respondent inhis proceedings No.57-00-020490-000-1002/INS.I/SRO/MDU dated 11.02.2013 and his proceedings NO. 57-00-020490-000-1002/INS.IV/SRO/MDU/225/12 dated 11.02.2013 and quash the same as illegal.

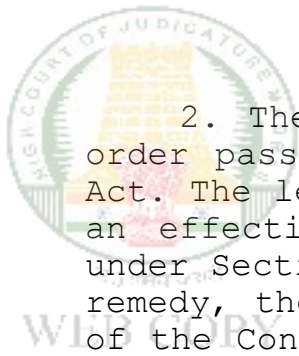
For Appellant : Mr.M.Mahaboob Athiff

For Respondents: No appearance

J U D G M E N T

(Judgment of the Court was delivered by V.BHARATHIDASAN,J.)

This writ appeal has been filed against the order passed by the learned single Judge in W.P. (MD) No.7463 of 2013, dated 04.06.2013.



2. The petitioner has filed the writ petition challenging the order passed under Section 45-AA of the Employees' State Insurance Act. The learned single Judge find that against that order, there is an effective alternative remedy by way of an appeal is provided under Section 45-A of the Act. Without resorting to the alternative remedy, the petitioner cannot challenge the order under Article 226 of the Constitution of India. Now, challenging the above order, the present writ appeal has been filed.

3. Today, when the matter is taken up for hearing, Mr.A.Mahaboob Athiff, learned counsel appearing for the appellant, on instructions would submit that now the appellant is willing to go before the appellate authority. However, the limitation for filing an appeal may be extended, in view of the pendency of the writ appeal. He would further submit that pending writ appeal, the appellant got an order of interim stay and he will file an appeal before the appellate authority, within a period of four weeks from the date of receipt of a copy of this order.

4. Considering the pendency of the writ appeal, the Writ Appeal is disposed of with liberty to the appellant to challenge the order impugned in the writ petition before the appellate authority, under Section 45-A of the ESI Act, within a period of four weeks from the date of receipt of a copy of this order. On filing such appeal, the appellate Authority is directed to take the appeal on file and dispose of the same on its own merit. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv/ebsi

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office, (Madurai)
2nd West Street,
K.K.Nagar, Madurai.



2. The Insurance Inspector cum
Social Security Officer,
ESI Corporation,
Madurai Sub Regional Office,
Madurai.

WEB COPY

W.A. (MD) No.834 of 2013
08.10.2021

_RD/PM(12.11.2021) 3P 3C