



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2362 of 2021

and W.M.P (MD) Nos.1961, 1962 and 1963 of 2021

B.Charli Raja Singh

...Petitioner

Vs.

1.The Recovery Officer,
Employees State Insurance Corporation,
Sub- Regional Office,
PANCHDEEP BHAVAN,
ESIC Complex, Salai Street,
Vannarapettai,
Tirunelveli-627 003.

2.The Authorised Officer,
Employee State Insurance Corporation,
Sindhu Poondurai,
Tirunelveli-1.

3.The Director of Poompuhar Shipping Corporation Ltd.,
(A Government of Tamilnadu Enterprise),
Marine Workshop of Premises,
Horbour Estate,
Tuitcorin-628 004.

4.The Deputy Director,
Industrial Safety and Health,
Thoothukudi.

5.The Branch Manager,
Tamilnadu Merchantile Bank Ltd.,
K.M.Complex,
Seranmagadevi Road,
Kalakad Branch,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 15.07.2020 passed by the first respondent by his proceedings No.66-00-033317-000-1001/RRC/SRO/TLI and quash the same consequently direct the respondents 1 and 2 to refund the amount debited from the



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petitioner's savings account No.279150310875006 in the fifth respondent bank.

For Petitioner : Mr.V.Sasikumar
For R-2 : Mr.R.Ravikumar
For R-3 and R-4 : Mr.S.Dhayalan
Government Advocate

For R-5 : Mr.N.Dilipkumar

O R D E R

The order under challenge is one of the Section 45(G) of the Employees State Insurance Act, 1948. The order is in the nature of an execution petition pursuant to the original orders passed under Section 45(A) of the Employees State Insurance Act, 1948 dated 16.09.2015. While the original order dated 16.09.2015 has not been challenged, the consequential impugned order in the present writ petition may not be sustainable, since the authority will be left with no option but to execute the earlier order passed under Section 45(A) of the said Act.

2.Nevertheless, if the petitioner is granted liberty to challenge the original order dated 16.09.2015 passed by the second respondent under Section 45(A) of the Employees State Insurance Act, 1948, the ends of justice could be secured.

3.In the light of the above observations, this Writ Petition stands closed with liberty to the petitioner to challenge the order dated 16.09.2015, at least, within a period of thirty days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Director of Poampuhar Shipping Corporation Ltd.,
(A Government of Tamilnadu Enterprise),
Marine Workshop of Premises,
Horbour Estate,
Tuitcorin-628 004.

2.The Deputy Director,
Industrial Safety and Health,
Thoothukudi.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7840[F] dated
01/03/2021)

+1 CC to M/s.K.ESAKKI, Advocate (SR-8033[F] dated 02/03/2021)

+1 CC to M/s.SPL GP (SR-8235 [F] dated 02/03/2021)

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-8279[F] dated
02/03/2021)

W.P. (MD) No.2362 of 2021
01.03.2021

DKS (CO)
TR(08.03.2021) 3P 7C