



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 16846 of 2021

and

W.M.P. (MD) No. 13727 & 13729 of 2021

K.Arumugasamy

... Petitioner

Vs.

The Assistant Regional Director,
Employees State Insurance Corporation,
Sub-Regional Office, 4th Main Road,
K.K.Nagar, Madurai - 625 020.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the respondent culminating in order dated 09.04.2007 in No.57-R/13/12(A)Sec.68/2006-DB, and the order dated 02.08.2021 passed by the Hon'ble Labour Court, Madurai in E.S.I.O.P.No.44 of 2007 confirming the same and quash both the orders.

For Petitioner : Mr.T.Ravichandran

For Respondent : Mr.N.Dilipkumar,
Standing Counsel.

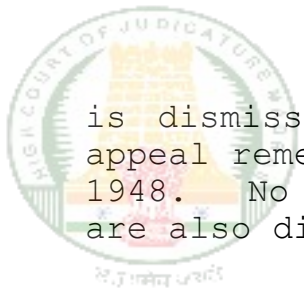
O R D E R

This Writ Petition has been filed challenging the order dated 02.08.2021, passed by the Hon'ble Labour Court, Madurai, confirming the order dated 09.04.2007, passed by the respondent.

2. The learned Standing counsel appearing for the respondent would submit that as against the impugned order, the petitioner has an appeal remedy under Section 82 of the Employees State Insurance Act, 1948 and without exhausting that remedy, the petitioner has approached this Court. Therefore, this Writ Petition is not maintainable.

3. Considering the facts and circumstances of the case and also considering the fact that as against the impugned order, the petitioner has an appeal remedy, this Court is of the view that this

<https://hlservices.epts.gov.in/hlservices/> not maintainable. Accordingly, this Writ Petition



is dismissed. Liberty is granted to the petitioner to avail an appeal remedy under Section 82 of the Employees State Insurance Act, 1948. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

The Assistant Regional Director,
Employees State Insurance Corporation,
Sub-Regional Office, 4th Main Road,
K.K.Nagar, Madurai - 625 020.

Copy to:-

The Section Officer,
E.R.Section,
Madurai Bench of Madras High Court,
Madurai.(to return the original impugned order
to the learned counsel appearing for the petitioner, after
obtaining necessary endorsement from him.)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-29623[F] dated 20/09/2021)

W.P. (MD) .No.16846 of 2021

17.09.2021

RD(1.10.2021) 2P 4C