



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.362 of 2022

Pachamuthu College of Arts & Science for Women,
rep. by its Secretary B.Sangeeth Kumar,
No.2/275, Krishnagiri Main Road,
Semmandakuppam, Old Dharmapuri,
Dharmapuri District-636 701.

.. Appellant

Vs

- 1.The Government of India,
rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110 001.
- 2.Employees State Insurance Corporation,
rep. by its Deputy Director,
Sub Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam,
Three Road, Salem-636 009.
- 3.The Deputy Director (Rev),
Employees' State Insurance Corporation,
Sub Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam,
Three Road, Salem-636 009.
- 4.The Deputy Director (Inspection),
Employees' State Insurance Corporation,
Sub Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam,
Three Road, Salem-636 009.

.. Respondents



Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 31.01.2022 passed by the learned Single Judge in W.P.No.1561 of 2022.

Prayer in W.P.No.1561 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the respondents, relating to the orders in proceedings No.63000931190001303/ INS/ SRO/ SLM/ 219/2012, dated 05.07.2018 proceeding No. 63000931190001303/ INS/ SRO/ SLM/ 219/2012 dated 05.07.2018 of the 2nd respondent herein, proceeding No.6300031190001303/ INS.I/ SRO/ SLM dated 24.11.2021 of the 3rd respondent herein and proceeding No. 63.S.11.27.2021.INS.PN, dated 29.12.2021 of the 4th respondent herein and quash the same and consequently permit the petitioner herein to pay ESI contribution from 01.02.2021 onwards by getting fresh ESI Code Number.

For the Appellant : Mr.K.Doraisami
Senior Counsel
for M/s.Muthumani Doraisami

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

After arguing the appeal at length, learned senior counsel for the appellant realizing that there is no error in the order of the learned Single Judge asking the appellant/writ petitioner to take the remedy of appeal available under the Employees State Insurance Act, 1948 (for short, "the ESI Act"), prays for withdrawal of the writ appeal with liberty to take the remedy available under the ESI Act.

2. In view of the above, the writ appeal is disposed of without causing interference in the order of the learned Single, but with liberty to the appellant to take the remedy available under the ESI Act. No costs. Consequently, C.M.P.No.2922 of 2022 is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar



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To:

1.The Secretary,
Government of India,
Ministry of Labour and Employment,
Shram Shakti Bhawan, Rafi Marg, New Delhi-110 001.

2.The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office (Salem)
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4.The Deputy Director (Inspection),
Employees' State Insurance Corporation,
Sub Regional Office (Salem)
39/57, Theerthamalai Vaniga Valagam,
Three Road, Salem-636 009.

+1 cc to M/s.Muthumani Doraisami, Advocate Sr.NO. 12939
W.A.No.362 of 2022

spd(CO)
A.SK(03/03/2022)