



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 18350 of 2016
and
W.M.P. No. 16055 of 2016

M/s. Jai Sri Venkateswara Educational Trust,
Rep. by its Trustee,
No. 33/45, S1, Manavasi Narashiman Road,
Gandhi Nagar,
Dharmapuri - 636 701.

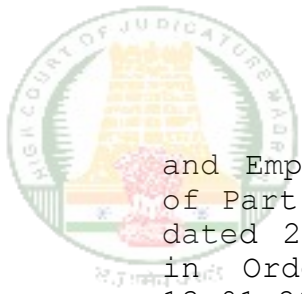
... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
2. Employees' State Insurance Corporation,
Rep. by its Assistant Director (Revenue),
Sub Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.
3. The Recovery Officer,
O/o. the Recovery Officer,
Employees' State Insurance Corporation,
Sub Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Road,
Salem - 636 009.
4. M/s. South Indian Bank,
Rep. by its Branch Manager,
Dharmapuri Pennagaram Highway,
Opp. Jayam College,
Billiyanur P.O.,
Dharmapuri - 636 701.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Respondents relating to the order of the First Respondent in G.O. Ms. No. 237, Labour



and Employment (K1) dated 26.11.2010 and published at page 879 of Part II Section 2 of the Tamil Nadu Government Gazette No. 51 dated 29.12.2010, consequential orders of the Second Respondent in Orders in No. 63000946350001399/Ins/SRO/Salem/2015 dated 13.01.2016, No.63000946350001399/SRO/SLM/102/2015 dated 13.01.2016, No.63000946350001399/SRO/SLM/INS/C-19(Int)/132/2015 dated 13.01.2016 and No.63000946350001399/SRO/SLM/C-19/126/2015 dated 13.01.2016 and ending with the order of the Third Respondent in Proceeding No.SLM/RECY/45(G)/63-00-094635-000/1399/CCR No. 4111 & 4112 dated 05.05.2016 and quash the same.

For Petitioner : Mr. Kandhan Duraisami
For Respondents : Mr. G.Ameedius,
Government Advocate (for R1)
No appearance (for R2 to R4)

O R D E R

Heard Mr. Kandhan Duraisami, Learned Counsel for the Petitioner and Mr. G.Ameedius, Learned Government Advocate appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition in view of the decision of the Full Bench of this Court in All India Private Educational Institutions Association -vs- State of Tamil Nadu [(2020) 5 CTC 93] with liberty to workout the rights of the Petitioner in proceeding under Section 75 of the Employees State Insurance Act, 1948, for appropriate relief before the jurisdictional Employees Insurance Court. He has also made an endorsement to that effect in the court record.

3. In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 23.05.2016, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vjt



To

1. The Principal Secretary to Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
2. The Assistant Director (Revenue),
Employees' State Insurance Corporation,
Sub Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.
3. The Recovery Officer,
O/o. the Recovery Officer,
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39/57, Theerthamalai Vaniga Valagam,
Three Road,
Salem - 636 009.
4. The Branch Manager,
M/s. South Indian Bank,
Dharmapuri Pennagaram Highway,
Opp. Jayam College,
Billiyanur P.O.,
Dharmapuri - 636 701.

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No.34630

+1cc to Mr.SP.Srinivasan, Advocate, S.R.No.34654

+1cc to the Government Pleader, S.R.No.34892

W.P. No. 18350 of 2016

SKM(CO)
UMA(20/06/2022)