



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. 34937 of 2016
and
W.M.P. No. 30078 of 2016

Chitale & Son,
Dhun Building,
827, Anna Salai,
Chennai - 600 002.

... Petitioner

-vs-

The Deputy Director,
Employees State Insurance Corporation,
Panchdeep Bhawan,
143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the order of the Respondent in Proceeding No. TN/Ins.V/51-00-109601-000-1017 dated 15.09.2016, quash the same.

For Petitioner : Mr. G.Nishanth for M/s. R.Parthiban

For Respondent : Mr. C.V.Ramachandramoorthy

O R D E R

Heard Mr. G.Nishanth, Learned Counsel appearing for the Petitioner and Mr. C.V.Ramachandramoorthy, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out by Learned Counsel for the Respondent that the Petitioner has got an effective alternative remedy to challenge the Proceeding No. TN/Ins.V/51-00-109601-000-1017 dated 15.09.2016 passed by the Respondent, which is



impugned in this Writ Petition by approaching the Employees Insurance Court under Section 75 of the Employees' State Insurance Act, 1948, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has 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 In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 30.09.2016, 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

True Copy//

Sub Assistant Registrar

gd
To

The Deputy Director,
Employees State Insurance Corporation,
Panchdeep Bhawan,
143, Sterling Road,
Nungambakkam, Chennai - 600 034.

Copy to
The Section Officer,
ER Section, High Court, Madras - 104.

Registry is directed to return the original copy of the impugned order to the Petitioner under written acknowledgment after retaining a copy of the same for record.

+1cc to M/s. R.Parthiban, Advocate, S.R.No.35135

W.P. No. 34937 of 2016

RK[co]
NSK/16/06/2022