



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

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

W.P. No. 39340 of 2016
and
W.M.P. No. 33666 of 2016

LE.F. Eden Garden Matri. School,
Represented by its Correspondent,
Gnanaprakasam,
No. 374, Cherry Road,
Hasthampatty,
Salem - 636 007.

... Petitioner

-vs-

1. The Assistant Director,
ESI Salem Division,
No. 39/57, Theerthamalai Vaniga Valagam, Three Road,
Salem - 636 009.

2. The Recovery Officer,
Office of the Recovery Office,
ESI Corporation,
No. 39/57, Three Road,
Salem - 636 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records demand of the First Respondent dated 31.03.2016 made in No. 63000739910001302/45A/347/11/INS/SRO/SLM by demanding the ESI Contribution employees of the Petitioner school to the tune of Rs. 87, 945/- and consequential order of the Second Respondent dated 18.10.2016 made in Ref. No. 63000739910001302/CP/197720 and quash the same.

For Petitioner : Mr. B.Gopalakrishnan
for Mr.B.Kumarasamy

For Respondents : Mrs. S.Jayakumari

O R D E R

Heard Mr. B.Gopalakrishnan, Learned Counsel for the
Petitioner and Mrs. S.Jayakumari, Learned Counsel for the



Respondents 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 In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 03.11.2016, 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

1. The Assistant Director,
ESI Salem Division,
No. 39/57, Theerthamalai Vaniga
Valagam, Three Road,
Salem - 636 009.

2. The Recovery Officer,
Office of the Recovery Office,
ESI Corporation,
No. 39/57, Three Road,
Salem - 636 009.

+1cc to Mrs.S.Jayakumari, Advocate, S.R.No.36636
+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.37093

W.P. No. 39340 of 2016

AK-II(CO)
SB(22/06/2022)