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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

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

W.P. No. 1008 of 2017

and

W.M.P. No. 986 of 2017

M/s. CITEC Engineering India Pvt. Ltd.
Represented by its Authorized Signatory
Bastin Fernando
Having office at SKCL, Central Square, IV Floor
B-19, 20 & 21, Thiru-Vi-Ka Industrial Estate
CIPET Road, Guindy
Chennai - 600 032.

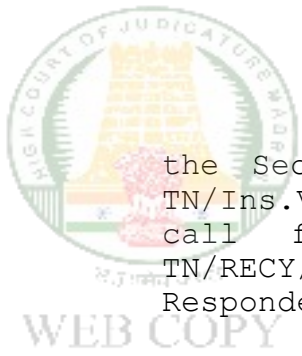
...Petitioner

-vs-

1. Regional Director
Employees' State Insurance Corporation
Regional Office, 143,
Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
2. The Deputy Director
ESI Corporation
Regional Office, 143,
Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
3. The Assistant Director
ESI Corporation
Regional Office, 143,
Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
4. Recovery Officer
Employees' State Insurance Corporation
Panchdeep Bhawan,
143, Sterling Road
Chennai - 600 034.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by



the Second Respondent in and by his proceedings bearing No. TN/Ins.V/51-00-111612-000-1007 dated 01.04.2016 and consequently call for recovery order dated 08.11.2016, bearing No. TN/RECY/CP-1/51001116120001007/CCR-76626, passed by the Fourth Respondent and quash the same.

For Petitioner : Mr. V.Meenakshisundaram

For Respondents : Mr. A.K.Raja
For M/s. T.N.C.Kaushik, Standing Counsel

O R D E R

Heard Mr. V.Meenakshisundaram, Learned Counsel for the Petitioner and Mr. A.K.Raja, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out by Learned Counsel for the Respondents that the Petitioner has got an effective alternative remedy to challenge the impugned order by way of an application 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 avail the same and he has made an endorsement in the Court record to that effect. 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., 10.01.2017, till the date on which certified copy of this order is made ready by the Registry, shall be excluded.

3. It is needless to add here that the Petitioner is not precluded from seeking any interim order in the said application. In response to the contention raised by Learned Counsel for Petitioner that the Respondents would proceed against the Petitioner in the interregnum, it shall be incumbent upon the concerned authorities to abide by the relevant statutory provisions as highlighted by this Court in V.Naaharaj -vs- Recovery Officer, Employees' State Insurance Corporation, Salem (Order dated 08.10.2021 in W.P. No. 34525 of 2012) while taking any consequential action for recovery and shall not resort to any high-handed or coercive tactics in contravention of law.



In the result, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(Digit)

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//True Copy//

Sub Assistant Registrar

Maya

To

1. Regional Director
Employees' State Insurance Corporation
Regional Office
143, Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
2. The Deputy Director
ESI Corporation
Regional Office
143, Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
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143, Panchdeep Bhawan, Sterling Road,
Chennai - 600 034.
4. Recovery Officer
Employees' State Insurance Corporation
Panchdeep Bhawan
143, Sterling Road
Chennai - 600 034.

Copy To:

The Section Officer, E.R Section,
High Court, Madras.

(With a direction to return the original
copy of the impugned order after
retaining copy of the same)

+2cc to M/s.V.Meenkashisundaram, Advocate, Sr.NO.10162

+1cc to Mr.TNC.Kaushik, Advocate, Sr.No.9982

W.P. No. 1008 of 2017

SRA (CO)

KKV/11/03/2022