



Judgment dated 16.09.2022 in
Writ Appeal No.4155 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.09.2022

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

Writ Appeal No.4155 of 2019
and
C.M.P.No.25094 of 2019

1. The Regional Director,
Employees' State Insurance Corporation,
Insurance Branch IV,
143, Sterling Road, Nungambakkam,
Chennai-600 034.
2. The Recovery Officer,
Regional Office,
Employees' State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai-600 034.

.. Appellants

Vs.

1. K.Pakkirisamy
2. The Senior Plant Manager,
Indian Oil Corporation,
Indane Bottling Plant,
143, Athipettai Village,
Ennore,
NCPTS Main Road, Chennai-120.



Judgment dated 16.09.2022 in
Writ Appeal No.4155 of 2019

3. The Deputy General Manager,
Southern Region,
Indian Oil Corporation,
No.139, Mahatma Gandhi Road,
Chennai-600 034.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 24.01.2011 passed by the learned Single Judge, in W.P.No.6661 of 2009, on the file of this Court.

For appellant : Mr.G.Bharadwaj

For respondents: No appearance for R-1

Mr.Anand Gopalan
for M/s.T.S. Gopalan & Co. for RR-2 & 3

JUDGMENT

(The Judgment of the Court was delivered by T.Raja, J)

The Regional Director of Employees' State Insurance Corporation (ESIC) and the Recovery Officer, Regional Office of the ESIC, have preferred this appeal challenging the correctness of the impugned order dated 24.01.2011 passed in W.P.No.6661 of 2009, wherein the learned Single Judge has held that the impugned demand made by the ESIC, the appellants herein, is not legally valid and they cannot ask any employer to pay the contribution for the employees who are working in the factory, which is not in the notified area.

Page No.2/5



Judgment dated 16.09.2022 in
Writ Appeal No.4155 of 2019

Therefore, the demand made by the ESIC to pay the amount, was set aside.

Holding so, while allowing the Writ Petition, the learned Single Judge observed that it is always open for the ESIC to pursue their investigation to find out as to whether the writ petitioner supplied any labourers to the other notified areas and the ESIC is at liberty to pursue their claim in the manner known to law. The learned Single Judge also observed that since this Court has prevented the ESIC to collect the amount, the amount deposited by the writ petitioner and the Indian Oil Corporation Limited, shall be refunded to them. We do not find any merits in the Writ Appeal for the simple reason that the demand made by the ESIC was found not legally valid for the reason that they cannot ask any employee working to contribute in respect of the employees, who were not in a factory in the notified area. Hence, the Writ Appeal fails and the same is accordingly dismissed. There shall be no order as to costs. Consequently, C.M.P. is closed.

(T.R., J) (P.D.A., J)
16.09.2022

Speaking Order: Yes/no
CS



WEB COPY



Judgment dated 16.09.2022 in
Writ Appeal No.4155 of 2019

To

1. The Regional Director,
Employees' State Insurance Corporation,
Insurance Branch IV,
143, Sterling Road, Nungambakkam,
Chennai-600 034.
2. The Recovery Officer,
Regional Office,
Employees' State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai-600 034.
3. The Senior Plant Manager,
Indian Oil Corporation,
Indane Bottling Plant,
143, Athipettai Village,
Ennore, NCPTS Main Road, Chennai-120.
4. The Deputy General Manager,
Southern Region,
Indian Oil Corporation,
No.139, Mahatma Gandhi Road,
Chennai-600 034.



WEB COPY



Judgment dated 16.09.2022 in
Writ Appeal No.4155 of 2019

T.RAJA, J

and

P.D.AUDIKESAVALU, J

CS

W.A.No.4155 of 2019

16.09.2022

Page No.5/5