



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.05.2022**

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P(MD)No.9818 of 2022

and

W.M.P.(MD)No.7035 of 2022

Velmurugan, S/o.Ramaiah,
Proprietor of Sri Muthumani Earth Works,
Door No.1-27-6, Ananthapuri Nagar,
Palayampatti,
Aruppukottai Taluk,
Virudhunagar District.

...Petitioner

Vs.

1.Employees' State Insurance Corporation,
Rep. by its Deputy Director,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

2.The Recovery Officer,
Employees' State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

3.The Branch Manager,
Federal Bank,
Door No.187D, Madurai Road,
Aruppukottai,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned order passed by the first respondent Office vide proceeding in 57000751200000999/71020191239/314/19, dated 10.07.2019 and the consequent impugned garnishee order passed by the second respondent Office vide proceeding in 57/RRC/00/075120/000/0009/SRO/MDU.22, dated 04.05.2022 and quash the same as illegal.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.N.Dilipkumar



O R D E R

This Writ Petition has been filed challenging the show cause notice dated 10.07.2019, issued by the first respondent and the consequential impugned garnishee order passed by the second respondent under Section 45-G of the Employees' State Insurance Act, 1948, dated 04.05.2022.

2.The petitioner has raised several grounds for challenging the impugned show cause notice as well as the consequential order.

3.The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to pay the determined amount towards ESI contribution under the impugned orders, provided sufficient time is granted to him. The learned counsel would further submit that the petitioner will be able to pay the amount within a period of two months from the date of receipt of a copy of this order.

4.The learned Standing Counsel for the respondents has also not raised any serious objection for the submissions made by the learned counsel for the petitioner.

5.Since the petitioner is willing to pay the determined amount, no coercive steps shall be taken by the respondents for a period of two months, to enable the petitioner to pay a sum of Rs.2,17,675/- to the first respondent. In case the petitioner defaults to make the payment as stated supra within a period of two months from the date of receipt of a copy of this order, the first respondent is at liberty to proceed further pursuant to the impugned orders.

6.In terms of the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Smn2



To

1.The Deputy Director,
Employees' State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

2.The Recovery Officer,
Employees' State Insurance Corporation,
2nd West Street, K.K.Nagar,
Madurai - 625 020.

+2 CC to M/s.N. DILIPKUMAR, Advocate (SR-23966[F] dated
20/05/2022)

W.P (MD) No.9818 of 2022
19.05.2022

RD(31.05.2022) 3P 5C