



WEB COPY



W.P.No.5703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.5703 of 2023
and W.M.P.Nos.5704 and 5705 of 2023

Emmanuel Nursery & Primary School
No.3/91, Mettu Colony, Manapakkam
Chennai-600123, Rep. by its
Correspondent Ms.Sunitha Joe,
No.3/91, Mettu Colony
Manapakkam, Chennai-600125.

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary
to Government, Labour and
Employment Department
Fort St. George, Chennai – 600 009.

2.Employees' State Insurance Corporation
Rep. by its Regional Director
143, Sterling Road, Panchdeep Bhavan
Chennai – 600034.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order dated 01.12.2022 bearing No.TN/ins.VIII/51-00-107545-000-1301/C18 Adhoc-328/21 passed by Employees State Insurance Corporation the 2nd respondent herein and to quash the same.



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For Petitioner : Mr.P.Muthusamy
For R1 : Mr.E.Sundaram
Government Advocate
For R2 : Mr.T.N.C.Kaushik

ORDER

The C18 Adhoc Notice dated 14.09.2021 assessing the omitted wages for the period between 02/2016 to 05/2021 amounting to Rs.4,11,737/- is under challenge in the present writ petition.

2. The learned counsel for the petitioner submitted that since the School is the charitable institution, they are willing to pay the demand if sufficient time is granted.

3. This Court has taken into account that the period for which the demand has been made also includes the period of Covid-19 pandemic and therefore, the petitioner can be granted eight weeks to make payment in instalments. Accordingly, no interference is required to the impugned order, in view of the submissions made by the learned counsel for the petitioner.



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4. Consequently, there shall be a direction to the petitioner to pay the amount under C18 Adhoc Notice dated 14.09.2021 in eight equal monthly instalments, commencing from the month of March-2023. Such instalments shall be paid atleast before 5th of every month. It is made clear that in case the petitioner defaults in making any one EMI within the stipulated time, the respondents are at liberty to demand the entire amount in one lump sum.

5. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

27.02.2023

Index : Yes / No

Neutral Citation : Yes / No

dm

Note: Issue Today.

To

1.The Principal Secretary to Government,
State of Tamil Nadu
Labour and Employment Department,
Fort St. George, Chennai – 600 009.

2.The Regional Director
Employees' State Insurance Corporation
143, Sterling Road, Panchdeep Bhavan
Chennai – 600034.



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M.S.RAMESH, J.

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