



W.A.No.1141 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2023

Coram:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

Writ Appeal No.1141 of 2021

1. ESI Regional Corporation (Tamil Nadu),
Represented by its Regional Director,
143, Sterling Road, Chennai-600 034.
2. Employees' State Insurance Corporation,
Represented by its Deputy Director,
1897, Trichy Road, Panchdeep Complex,
Ramanathapuram, Coimbatore-641 045.
3. The Recovery Officer,
1897, Trichy Road, Panchdeep Complex,
Ramanathapuram, Coimbatore-641 045.

.. Appellants

Vs.

Our Lady of Fatima Nursery and Primary School,
Represented by its Correspondent,
1252, Big Bazar Street,
Coimbatore-641 0901.

.. Respondent



W.A.No.1141 of 2021

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.12.2020 passed by the learned Single Judge, in W.P.No.18890 of 2020, on the file of this Court.

Writ Petition No.18890 of 2020 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings, dated 03.08.2020 in No.56001110990001301/Ins.IV/Cbe, on the file of the second respondent and the consequential proceedings dated 22.10.2020 in Ref.No.56001110990001301/CP/390026, on the file of the third respondent and quash the same, directing the respondents to consider the waiver of the arrears of contribution, interest and damages, as directed by the Hon'ble Full Bench of the High Court, by order dated 29.07.2020 and made in the batch of W.P.No.34246 of 2019.

For appellants : Mr.R.Sankara Narayanan,
Addl. Solicitor General of India (South)
for Mr.G.Bharadwaj

For respondent : M/s.A.Arul Mary



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JUDGMENT

When the Writ Appeal is taken up for hearing, Mr.R.Sankara Narayanan, learned Additional Solicitor General of India (South), submitted that identical issue has already been answered by this Court in Writ Appeal No.1526 of 2021 by judgment dated 20.01.2023, in which, the issue with regard to payment of interest and damages, which is pending in separate proceedings, was left open therein. In view of the said submission made by the learned Solicitor General and in the light of the judgment rendered by this Court in the said W.A.No.1526 of 2021, we close this Writ Appeal with an observation that as the issue with regard to payment of interest and damages, is pending in separate proceedings, the same is not answered in the present appeal. There shall be no order as to costs.

(S.V.N., J) (J.S.N.P.,J)
31.01.2023

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To

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S.VAIDYANATHAN, J

and

J.SATHYA NARAYANA PRASAD, J

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