



W.M.P.No.11634 of 2023

W.M.P.No.11634 of 2023
in W.P.No.12423 of 2021

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S.VAIDYANATHAN,J.

This Miscellaneous Petition has been filed for a direction to the Employees' State Insurance Corporation (ESI) to refund Rs.4,00,000/- (Rupees Four Lakhs only) to the Liquidator.

2. Mr.V.Prakash, learned Senior Counsel for the petitioner has submitted that this Court, taking into account the ailment of the petitioner, had issued interim directions on 17.06.2021, which read as follows:

"9. Hence, this Court, as an interim measure, issues a direction to the Liquidator / 3rd Respondent to the effect that a sum of Rs.4,00,000/- shall be paid to the ESI Corporation from the recovery amount and the said amount will be held in trust by the ESI Corporation and that the petitioner shall be given treatment depending upon the need. This Court makes it very clear that in case the petitioner succeeds, the amount of Rs.4,00,000/- shall be returned to the Liquidator, who, after the payment of proportionate amount due to ESI / EPF, will return the balance amount to the petitioner. This arrangement is made only for the purpose of passing an interim order and any observation touching upon the merits of the matter in this interim order will have no bearing, when the matter is addressed on merits finally.

10. It is further made clear that the ESI Corporation, without waiting for a copy of this Order and the transfer of the amount from the Liquidator, shall take immediate steps to arrange for treatment. The petitioner shall be forthwith referred to any one of the Super



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Speciality Hospitals, identified and recognised by the ESI Corporation or such other hospital as decided by the Doctors, depending upon the health condition of the petitioner."

3. Learned Senior Counsel for the petitioner has further submitted that since there was no necessity arisen for the petitioner to undergo surgery, as opined by the Doctor, the amount transferred by the Company under liquidation to ESI has not been utilized for the treatment of the petitioner and therefore, the said amount may be ordered to be brought back to the credit of the Liquidator.

4. It is seen that the petitioner actually wants to modify the order dated 17.06.2021 and has come forward with the prayer worded inartistically in the form of a direction to ESI to return the amount to the Liquidator lying with them. Mr.C.V.Ramachandramurthy, learned counsel for ESI and Mr.Balasubramanian, Liquidator, who are present before this Court, have no objection in modifying the order, inasmuch as directing the ESI to refund Rs.4,00,000/- to the Liquidator.

5. In view of the above stated position, this Miscellaneous Petition is disposed of, with an observation that since the amount of Rs.4,00,000/- has not been spent by the ESI for the treatment of the petitioner, the said amount shall be returned to the office of the Liquidator forthwith and upon receipt of the amount, the Liquidator is directed to disburse the amount to the **WORKMEN** in accordance with law, if there



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is no legal impediment to do so.

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14.07.2023

Note: Issue order copy on 21.07.2023



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