



WEB COPY



Cont.P.No.1875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Cont.P.No.1875 of 2023

Christ Matriculation Higher Secondary School,
Rep. by its Correspondent, Mr C.Sunderraj,
No.19, TMP Nagar Extension, Padi,
Chennai – 600 050.

.... Petitioner

-Vs-

1. Mr.Sankar,
The Regional Director,
The E.S.I. Corporation,
Regional Office (T.N.) Panchadeep Bhavan,
No.143, Sterling Road, Chennai – 600 034.

2. M/s.L.S.Roy,
The Assistant/Deputy Director,
Regional Office (Tamil Nadu),
Employees State Insurance Corporation,
No.143, Sterling Road, Chennai – 600 034.

3. Mr.Ramesh Kumar,
The Recovery Officer,
Employees State Insurance Corporation,
No.143, Sterling Road, Chennai – 600 034. ... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents 1 to 3 for willful disobedience of the interim order passed by this Court in W.P.No.25454 of 2022 dated 22.09.2022.



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For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.G.Bharadwaj
Standing Counsel

ORDER

This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 22.09.2022 made in W.P.No.25454 of 2022.

2. In the said order, this Court directed the registry to place the writ petition along with the batch of writ petitions and in the meanwhile till the disposal of the writ petition, the respondents are directed not to take any coercive steps against the petitioner pursuant to the impugned order in the writ petition.

3. When that being so, according to the learned counsel for the petitioner, the respondent has issued a show cause notice to the petitioner dated 12.05.2023 intimating that for the period from 2010 to 2015, there was a due payable to the ESI Authorities.



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4. This notice issued after the orders having been passed by this Court would amount to the contempt and therefore, on that ground, this contempt petition is filed, he contented.

5. However, Mr.G.Bharadwaj, learned Standing Counsel appearing for the respondents has submitted that pursuant to the order passed by this Court in the writ petition to tag along with the connected writ petition to be placed before the Full Bench to be constituted in this regard, the respondent ESI Corporation had issued a personal hearing letter on 21.10.2022, thereafter, Section 45-A of the Employees State Insurance Act, 1948 order was passed on 12.05.2023. Though such an order has been passed, as directed by this Court no coercive steps has been taken by the respondent ESI Corporation and this has been stated in paragraph 11 of the counter affidavit filed on behalf of the respondents.

6. I have gone through the said contention that has been made in the counter affidavit, where the respondent has stated the following:

“In fact, only the show cause notice was issued on 21.10.2022 proposing to determine the contribution of Rs.1,65,165/- for the omitted period from 04/2015 to



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05/2016 and that after completing the enquiry an order under Section 45-A dated 12.05.2023 alone was passed and no coercive steps had been taken to recover the said amount.”

7. It is the categorical assertion that has been made in the counter affidavit filed by the respondent ESI Corporation that, pursuant to the 45-A order dated 12.05.2023, no coercive steps shall be taken to recover the amount. Also, the learned Standing Counsel appearing for the respondent, on instructions, would submit that, no coercive steps would be taken till the final decision is made in the writ petition along with the connected writ petitions, which are to be posted before a Full Bench to be constituted in this regard for hearing.

8. Having recorded the same, this Court feel that, this contempt petition can be closed, accordingly, it is closed.

27.09.2023

Index : Yes/No
Internet : Yes/No
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R. SURESH KUMAR, J.
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