



W.P.(MD).No.17623 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17623 of 2023

and

W.M.P(MD)Nos.14722 & 14723 of 2023

M/s.Oxford Engineering College,
Karumandapam (Via),
Pirattiyur, Trichy-620 009,
Represented by its Managing Trustee,
M.Subramaniam

... Petitioner

Vs.

- 1.The Appellate Tribunal,
Sub Regional Office (Salem),
Employees' State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 099.
- 2.The Assistant Director,
Sub Regional Office (Salem),
Employees' State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 099.
- 3.The Deputy Director / Recovery Officer,
Employees' State Insurance Corporation,
Regional Office (SRO) – Salem,
39/57, Three Roads,
Salem-636 009.



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4.The Branch Manager,
Indian Overseas Bank,
Plot No.2, 4th Cross, Kalyanasundaram Nagar,
Karumandapam,
Trichy-620 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order, dated 13.07.2023 made in Nos. Slm/Recy/CP4(PO)/63-000-95137-000-1304/ passed by the third respondent and to quash the same.

For Petitioner : Mr.C.Muthusaravanan

For R-1 to R-3 : Mr.C.Karthick

ORDER

The present writ petition is for a Writ of Certiorari, to call for the records relating to the impugned order, dated 13.07.2023 made in Nos. Slm/Recy/CP4(PO)/63-000-95137-000-1304/ passed by the third respondent.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and carefully perused the materials available on record.



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3. This writ petition is filed challenging the prohibitory order, dated 13.07.2023 passed by the third respondent. A perusal of the records would reveal that already the third respondent has initiated proceedings under Section 45A of the Employees' State Insurance Act, 1948, determining the liability of the petitioner for the period from 01.11.2011 to 29.02.2016 and this Court in W.P(MD)No.8526 of 2017 has directed the petitioner to approach the ESI Court to work out his rights in this regard under Section 75 of the ESI Act. However without resorting working out his remedy before the ESI Court, the learned counsel for the petitioner submitted that already of the total amount of Rs.23,05,975/- an amount of Rs.16,27,791/- has been paid by the petitioner and there is a balance of only Rs.7,82,039/- as on date to the respondent Corporation and he pleaded before this Court that he may be permitted to make payment of the balance amount in 8 installments.

4. For which, the learned Counsel for the respondent vehemently objected that the petitioner has no *locus standi* to file a writ petition at all in view of the order passed by this Court in W.P(MD)No.8526 of 2017. However, in view of this appeal that he should be permitted to make payment in 8 installments



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5. On that basis, this Court is inclined to direct the petitioner to make payment of the balance amount in 4 equal installments to the third respondent and on payment of the second installment, the freezed account may be de-frozen. The installment period starts from 28.08.2023 and ends on 28.11.2023. If there is any default in payment, the Employees' State Insurance Corporation is at liberty to proceed in accordance with law.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Appellate Tribunal,
Sub Regional Office (Salem),
Employees' State Insurance Corporation,
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Three Roads, Salem-636 099.



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2. The Assistant Director,
Sub Regional Office (Salem),
Employees' State Insurance Corporation,
39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem-636 099.
3. The Deputy Director / Recovery Officer,
Employees' State Insurance Corporation,
Regional Office (SRO) – Salem,
39/57, Three Roads,
Salem-636 009.
4. The Branch Manager,
Indian Overseas Bank,
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L.VICTORIA GOWRI, J.

BTR

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