



W.P(MD)No.25801 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25801 of 2022

S.Manjula

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.

2.The Employee's State Insurance Corporation

Rep. by its Authorized Officer and Deputy Director
Sub Regional Office, Madurai,
2nd West Street, K.K.Nagar,
Madurai-20.

3.The Recovery Officer,

Employee State Insurance Corporation,
Sub Regional Office,
2nd West Street, K.K.Nagar,
Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent passed in



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57-00-072090-000-1301/Rev-I/SRO/MDU/14267, dated 06.10.2022 and quash the same and direct the respondents to write-off the amount demanded under Section 91-C of the ESI Act, 1948.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1

: Mr.I.Pinaygash for R2 & R3

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order dated 29.08.2022 calling upon the petitioner to pay a sum of Rs.11,64,761/- towards arrears of contribution. The petitioner had already filed W.P.(MD)No.19412 of 2021 for waiving arrears of contribution, interest and damages. Following the decision of the Hon'ble Full Bench reported in **2020 (5) CTC 93 FB (All India Private Educational Institutions Association Vs. State of Tamil Nadu)**, I had already directed the authorities to consider the petitioner's representation. The impugned proceedings will abide by the outcome of the decision to be taken by the authority. If the authority rejects the request of the petitioner for waiver of the contribution, contribution that is now impugned in the writ petition will be paid by the petitioner in easy installments.



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3. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

Index : Yes / No
Internet : Yes/ No
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To

The Principal Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.



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G.R.SWAMINATHAN, J.

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