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W.P.(MD)NO.26156 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26156 of 2022 and
W.M.P.(MD)Nos.20323 & 20325 of 2022

Dr. Radhakrishnan Vidhyalaya Matriculation
Hr. Sec. School,
Rep. By the Correspondent A.R.Malairajan,
S/o.A.Rajendran,
Old No.67, New No.126,
Railway Feeder Road, Sattur,
Virudhunagar District.

... Petitioner

Vs.

1. The Deputy Director,
The Employee's State Insurance Corporation,
Sub Regional Office, 2nd West Street,
K.K.Nagar,
Madurai District – 20.

2. The Recovery Officer,
The Employee's State Insurance Corporation,
Sub Regional Office,
2nd West Street, K.K.Nagar,
Madurai – District – 20.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Recovery order in No.57000763210001018/10262022325/U13077/F10910 dated



28.10.2022 on the file of the Respondent No.1 and consequently impugned recovery order in No.57000763210001018/ 10262022322/ U13078/ F10909 dated 28.10.2022 on the file of the respondent No.1 and quash the same as illegal and consequently directing the respondent No.1 to write off or waiver of arrears contributions under section 91-C of the ESI Act based on the petitioner's representation dated 13.10.2021 and 26.05.2022.

For Petitioner : Mr.P. Pandeeswaran

For Respondents : Mr.C.Karthick,
Standing counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned recovery order passed by the respondent Corporation. This Court while entertaining the writ petition, granted interim stay.

3. Today when the matter was taken up for hearing, the learned Standing counsel appearing for the Corporation pointed out that the recovery order was passed entirely based on the inputs and particulars furnished by the petitioner.



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4. Considering the special facts and circumstances pleaded in the writ petition, I permit the writ petitioner to clear the liability in three monthly installments. The first installment will commence on 15.05.2023. If the petitioner commits default even in paying single installment, it is open to the respondents to adopt coercive measures.

5. With the concession to the petitioner to pay the amount in three installments, this writ petition stands disposed of. This concession will govern the impugned orders alone. No costs. Consequently, connected miscellaneous petitions are closed.

27.04.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Issue order copy on 28.04.2023.



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To:

1. The Deputy Director,
The Employee's State Insurance Corporation,
Sub Regional Office, 2nd West Street,
K.K.Nagar,
Madurai District – 20.
2. The Recovery Officer,
The Employee's State Insurance Corporation,
Sub Regional Office,
2nd West Street, K.K.Nagar,
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G.R.SWAMINATHAN,J.

PMU

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