



WEB COPY



W.P.No.7217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.7217 of 2024 and
W.M.P.No.8067 of 2024

M/s.Annai Velankanni Matriculation School
Rep by its Correspondent
Mr.K.Victor Sagayaraj,
Velankanni Nagar, Sowripalayam,
Coimbatore – 641 028.

...Petitioner

Vs.

1. The Employees State Insurance Corporation
Rep by its Deputy Director,
Sub-Regional Office,
Ramanathapuram,
Coimbatore – 641 045.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondent in Ref.No.56-00-110772-000-1302INs.IV SRO dated 13.09.2022 and quash the same and consequently remand the matter for reassessment under Section 45AA of ESI Act 1948.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.G.Bharadwaj



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ORDER

The writ petition is filed for Certiorarified Mandamus, calling for the records of the Respondent in Ref.No.56-00-110772-000-1302INs.IV SRO dated 13.09.2022 and quash the same and consequently to remand the matter for reassessment under Section 45AA of ESI Act 1948.

2. The learned counsel for the respondent submits that the remedy of appeal under Section 45AA of the ESI Act is barred by limitation and therefore the petitioner has to file an appeal under section 75 of the Act with the ESI Court for which the limitation is three (3) years.

3. Considering the writ petitioner has an alternative remedy under section 75 of the Act, the writ petition is dismissed with a liberty to the petitioner to approach the ESI Court. No costs. Consequently connected miscellaneous petition is closed.

22.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Employees State Insurance Corporation
Rep by its Deputy Director,
Sub-Regional Office,
Ramanathapuram,
Coimbatore – 641 045.



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N.MALA,J.

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