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W.P.No.12414 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.12414 of 2024
and
W.M.P.No.13545 of 2024

The Management of
Arignar Anna College (Arts & Science)
Polupalli
Billanakuppam (Post)
Krishnagiri – 635 115.
Rep. By its Principal

...Petitioner

Vs.

1. The Deputy Director,
Employees State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem – 639 009.
2. The Recovery Officer,
Employees State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem – 639 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the second respondent from proceeding any further in terms of the prohibitory order No.Slm/Recy/CP4(PO)/63-00-093661-000-1303/ dated 23.04.2024 and



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24.04.2024, until the EIOP filed by the petitioner is taken up for admission and decided on merits by the Labour Court, Hosur and further permit the petitioner to operate its Bank account maintained with the Indian Overseas Bank, 76/1 1st Floor, Second cross street, Co-Operative Colony, Krishnagiri – 635 001.

For petitioner : Mr.S.Haroom AL Rasheed
for M/s.Agam Legal Advocate
For respondents : Mr.S.P.Srinivasan
ESI Corporation

ORDER

During the year 2011 to 2016 there were 40 teaching and 20 non teaching employees in the petitioner college. As per the decision of the Full Bench of this Court, dated 29.07.2020, the educational institutions, including the petitioner's educational institution, brought under the purview of the ESI Act. Accordingly, petitioner educational institution was also covered under the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952. Contributions have been paid by the petitioner institution on behalf of the teaching and non teaching staff.



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2. The respondents have passed an order under Section 45 A of the ESI Act, dated 07.03.2018 directing the petitioner's educational institution to pay Rs.23,89,774/- for the period from 01.04.2012 to 31.03.2013 within a period of 60 days. Aggrieved by the same, the petitioner educational has preferred an appeal and filed online application on 20.04.2024. It is also submitted that on account of not sitting of the appellate authority, the appeal could not be taken up for hearing. However, without considering the pendency of the appeal in respect of the condonation of delay, the impugned orders dated 23.04.2024 and 24.04.2024 have been passed.

3. Heard both the learned counsel for the petitioner as well as the respondents. This Court by way of orders dated 30.04.2024 has stayed the impugned orders dated 23.04.2024 and 24.04.2024 until the EIOP filed by the petitioner is admitted on condition of deposit of Rs.25% of Rs.23,89,774/-.

4. Now, learned counsel for the petitioner submits that on account of the fact that the Presiding Officer of the Labour Court is not sitting and on account of some technical issues he could not deposit 25%



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of Rs.23,89,774/- as directed by this Court on 30.04.2024 and thereby,
sought for extension of time.

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5. Considering the submissions made by both sides and on perusal of the record, this writ petition is disposed of directing the petitioner to deposit 25% of Rs.23,89,774/- as ordered by this Court on 30.04.2024 on or before 19.07.2024 and on such deposit the second respondent is restricted from proceeding with the prohibitory orders dated 23.04.2024 and 24.04.2024 in order No.Slm/Recy/CP4(PO)/63-00-093661-000-1303/ until EIOP filed by the petitioner is taken by the appellate authority for admission.

6. With these observations, this writ petition is disposed of.
Connected W.M.P is closed. No costs.

25.06.2024

vca

Index	:	Yes/No
Internet	:	Yes/No
Citation	:	Yes/No



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To,

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Dr.D.NAGARJUN,J.



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