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W.P.No.23040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23040 of 2024 and
W.M.P.Nos.25129 & 25130 of 2024

Ragupathy

Vs.

... Petitioner

1.Office of the Recovery Officer,
Employees State Insurance Corporation,
ESI Corporation,
Panchdeep Bhawan, 143,
Sterling Road, Chennai 600 034.

2.The Assistant Commissioner (Circle),
ESI Corporation,
Tiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned attachment order passed by the first respondent in No.TN/RECY/45G/51001051730001001/CCR-VARIOUS CCR dated 13.03.2024 and quash the same as void, illegal, non-est in the eye of law.

For Petitioner : Mr.R.Ganesan

For Respondents : Mrs.S.Jayakumari, Standing Counsel



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ORDER

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This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records pertaining to the impugned attachment order passed by the first respondent in No.TN/RECY/45G/51001051730001001/CCR-VARIOUS CCR dated 13.03.2024 and quash the same as void, illegal, non-est in the eye of law.

2. Heard Mr.R.Ganesan, learned counsel for the petitioner, Mrs.S.Jayakumari, learned Standing Counsel for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the respondent authorities had assessed the damages under Section 45G of the Employees State Insurance Act, even though the Company has been closed long back due to Covid-19 pandemic.

4. As the petitioner has not made the dues determined under Section 45G and not chosen to file an appeal challenging the same, it



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appears that the respondent has subsequently passed an order for damages as well as interest. Even now, the petitioner without approaching the appropriate authorities for seeking the relief of waiver or any other relief permissible to him under the statute, has directly filed this Writ Petition, after the recovery notice has been issued and the petitioner's bank account has been attached.

5. The petitioner has stated that he has closed the Company long back, but was not properly appreciated by the first respondent. Hence, the petitioner is at liberty to file any appropriate application for considering waiver of damages or getting any other relief within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider it on merits and pass appropriate orders. It is at the discretion of the respondents to impose any condition for making any payment during the pendency of the said proceedings. Even though a conditional order has been passed for payment of 50% on 12.08.2024 for granting interim stay, the same has not been complied. Hence, the petitioner did not enjoy any benefit of stay. So the



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respondents can deal with the matter when the petitioner files any application before them for seeking waiver of damages or any other relief available to him in accordance with the relevant provisions of the Act.

6. Accordingly, this Writ Petition is disposed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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