



WEB COPY



W.P.No.37187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.37187 of 2024
and W.M.P.No.40186 of 2024

Indian Oil Corporation Ltd,
4th Level, Indian Oil Bhavan,
139, Mahatma Gandhi Road,
Chennai - 600 034.
Rep. by its Chief Manager (Employee Relations) .. Petitioner

Versus

1. The Recovery Officer,
Employees' State Insurance Corporation,
Panchdeep Bhawan, ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli - 627 003.
2. Deputy Director,
Employees' State Insurance Corporation,
Panchdeep Bhawan, ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli - 627 003.
3. M/s.Orion Energy Equipments Pvt Ltd,
Registered office No.14/6,
Fourth Main Road, Renga Nagar,
Tiruchirappalli - 620 021. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorari, calling for the records of the 2nd



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respondent in proceeding No.66-00-032054-1001/45-A/SRO/TLI/238/1999
and quash its order, dated 15.04.2024.

For Petitioner : Mr.Anand Gopalan,
for M/s.Agam Legal

For Respondents : Mr.K.Prabakar, for RR-1 and 2

ORDER

This Writ Petition is filed challenging the order passed under Section 45A of the Employees' State Insurance Act, 1948, dated 15.04.2024.

2. *Mr.Anand Gopalan*, learned Counsel for the petitioner Corporation would submit that there is a flagrant violation of the provision of the Act. When the contractor himself has a code and even in the explanation, when the petitioner Corporation has furnished the code and submitted that the petitioner Corporation is liable, the authorities proceeded to pass the order. Therefore, he would submit in view of the inherent error in the order, this Court should entertain the Writ Petition.

3. I have considered the said submissions made by the learned Counsel for the petitioner.



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4. The order is passed under Section 45A of the Act as against that the petitioner has the twin remedies of either filing an appeal under Section 45AA or approaching the ESI Court under Section 75 of the Act. This question, now raised by the learned Counsel for the petitioner, is a mixed question of fact and law and therefore, it could very well be raised before the ESI Court. Therefore, when the petitioner has an equally efficacious alternative remedy, this Court is not inclined to entertain the Writ Petition directly.

5. With such liberty, reserved to the petitioner Corporation to approach the appropriate forum to raise all the grounds, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.12.2024

Neutral Citation : no
grs

To

1. The Recovery Officer,
Employees' State Insurance Corporation,
Panchdeep Bhawan, ESIC Complex,



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Salai Street, Vannarpettai,
Tirunelveli - 627 003.

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D.BHARATHA CHAKRAVARTHY, J.

grs

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