



W.P.(MD)No.11927 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11927 of 2024

and

W.M.P(MD)Nos.10625 and 10626 of 2024

Mr.Anandaraj,
S/o.Devaraj,
C/o.M/s.Hotel Udhayam International,
Udangudi Main Road,
Meignanapuram,
Thoothukudi District.

... Petitioner

vs.

- 1.The Regional Director,
Employees State Insurance Corporation
Sterling Road,
Nungambakkam,
Chennai – 34.
- 2.The Deputy Director/Authorized Officer,
Employees State Insurance Corporation,
Panchadeep Bhawan, ESIC Complex,
Salai Street,
Vannarpettai,
Tirunelveli – 3.



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3. The Recovery Officer,
Employees State Insurance Corporation,
Panchdeep Bhawan, ESIC Complex,
Salai Street,
Vannarpettai,
Tirunelveli – 3.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent in his proceedings in No.66-00-042928-000-1101/Ins/SRO/TLI, dated 21.02.2024 and quash the same as illegal.

For Petitioner : Mr. T. Augustine Ebenezer

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in his proceedings in No.66-00-042928-000-1101/Ins/SRO/TLI, dated 21.02.2024.

2. The learned counsel for the petitioner submitted that even before the recovery order was passed, an order to determine the contribution payable by the petitioner under the Employees State



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Insurance Act, 1948 (in short ESI Act), has been passed on 25.02.2021 and the said order has been challenged by the petitioner by preferring an appeal. The said appeal was disposed of by remitting the matter once again to the second respondent to re-look the same. But, the second respondent has passed the same order once again and the petitioner has challenged the same by way of preferring an appeal and the same is pending. Now, the contention of the petitioner is that even while the appeal preferred by the petitioner is pending for consideration, the second respondent has issued the recovery order which is illegal.

3. It is learnt that the petitioner has not obtained any order of stay from the appellate forum to stay the operation of the order passed under Section 45-A of the ESI Act, for determining the contribution. However, if the appeal is allowed and before that, any recovery action is initiated, that will prejudice the interest of the petitioner. In view of the same, the only direction that can be given is to direct the first respondent to dispose of the appeal filed by the petitioner within a stipulated period.



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4. In view of the above, the first respondent is directed to dispose of the appeal filed by the petitioner dated 24.05.2023 within a period of four weeks from the date of receipt of a copy of this order and till such time, the impugned order shall be kept in abeyance.

5. With the above direction, this writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

07.06.2024

NCC: Yes/No
Index : Yes/No
PM

To

1.The Regional Director,
Employees State Insurance Corporation
Sterling Road,
Nungambakkam,
Chennai – 34.

2.The Deputy Director/Authorized Officer,
Employees State Insurance Corporation,
Panchadeep Bhawan, ESIC Complex,
Salai Street,
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R.N.MANJULA, J.

PM

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