



W.P.(MD).No.14818 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14818 of 2024

and

W.M.P.(MD).No.12987 of 2024

Indian Missionary Society,
11 B, Trivandrum Road,
Palayamkottai,
Tirunelveli – 627 002.
Represented by its General Secretary

...Petitioner

Vs

1.Deputy Director / Authorised Officer
Employees' State Insurance Corporation,
Sub Regional Office (Tirunelveli),
'PanchadeepBhavan',
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli – 627 003.

2.Recovery Officer,
Office of the Recovery Officer,
Employees' State Insurance Corporation,
Sub Regional Office (Tirunelveli),
'PanchdeepBhavan' ESIC Complex,
Salaistreet, Vannarpettai,
Tirunelveli – 627 003.

... Respondents



W.P.(MD).No.14818 of 2024

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 proceedings of the first respondent in C-10 application No.66000511190000999/INS II/SRO/TLI dated 14.06.2024 and the consequential impugned notice of demand issued by the second respondent in his Proceedings No. 66000511190000999/CP/601139/249/24 dated 27.06.2024 (received on 28.06.2024) and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

ORDER

Heard Mr.M.E.Ilango, learned counsel for the petitioner and perused the materials available on record.

2. This Writ Petition has been filed seeking to quash the impugned proceedings of the first respondent in C-10 application No. 66000511190000999/INS II/SRO/TLI dated 14.06.2024 and the consequential impugned notice of demand issued by the second respondent in his Proceedings No.



W.P.(MD).No.14818 of 2024

66000511190000999/CP/601139/249/24 dated 27.06.2024 (received on 28.06.2024).

3. The petitioner has got the statutory remedy by way of preferring an appeal, but the petitioner has filed this Writ Petition straight away by challenging the order of recovery. If the petitioner had failed to file an appeal after the determination of the EPF contribution due to be paid by conducting 45-A enquiry, then it is fault.

4. The learned counsel for the petitioner submitted that even before the expiry of the appeal time, coercive action like attachment, recovery order has been passed.

5. If the petitioner is aggrieved due to the above order, he can challenge the same by way of preferring a statutory appeal after complying the due procedure as contemplated under the ESI Act. Without exhausting the statutory remedy, this writ petition has been filed and hence, is not maintainable.



W.P.(MD).No.14818 of 2024

WEB COPY

6. With the above observation, this writ petition is **disposed of** and the petitioner is at liberty to file an appeal with a delay condonation petition, if any. No costs. Consequently, connected miscellaneous petition is closed

04.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



WEB COPY



W.P.(MD).No.14818 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.14818 of 2024

04.07.2024