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W.P. No.979 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.979 of 2022
and W.M.P. No.1041 of 2022

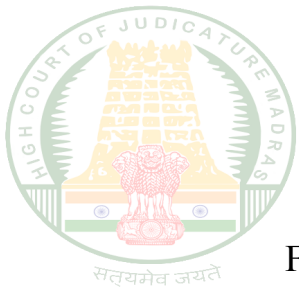
Vaniyambadi Co-operative Marketing
Society Ltd.,
represented by its General Manager Rajkumar,
Thiruvallur Nagar, Bypass Road,
Vaniyambadi - 635 756,
Thirupathur District. .. Petitioner

vs.

1. The Deputy Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34.

2. The Recovery Officer,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34. .. Respondents

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records pertaining to E.S.I. O.P. No.1/2017 dated 09.04.2021 on the file of the Employee State Insurance Court, Vellore (Principal Labour Court, Vellore) and quash the same.



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For Petitioner : Mr.S. Sairaman

For Respondents : Ms Jayakumari, Standing Counsel.

ORDER

This Writ petition is filed challenging the order passed by the Employees State Insurance Corporation Court in E.S.I O.P. No.1/2017 dated 09.04.2021.

2. When the case is taken up for hearing today, the learned counsel appearing for the respondent raised objection in respect of the maintainability of the petition.

3. As per Section 82 of the Employees' State Insurance Act, an appeal shall lie to the High Court from an order of an Employees' Insurance Court, if it involves substantial question of law. But the petitioner filed the present Writ petition before this Court. Therefore, when there is a specific appeal remedy available under the Act, the petitioner cannot invoke Writ jurisdiction before this Court. Therefore, the Writ petition is not maintainable and deserves to be dismissed. However, the petitioner is entitled to get benefit under Section 14 of Limitation Act for the period of pendency of the present Writ petition.



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4. In view of the above, the Writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

5. The Registry is directed to return the certified copy of the impugned order and other necessary papers.

16.06.2025

Index : Yes/No
Speaking order/non-speaking order
mjs

To
1. The Deputy Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34.

2. The Recovery Officer,
Employees State Insurance Corporation,
No.143, Sterling Road,
Chennai-34.

P. DHANABAL, J.,

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