

W.P.No.2799 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 17.06.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.2799 of 2021

and

WMP.Nos.2374 of 2022, 3145 & 3148 of 2021

St.Francis Anglo Indian Girls High School
Rep. by the Correspondent,
No.1591C,Trichy Road,
Coimbatore-641 018,
Coimbatore District.

... Petitioner

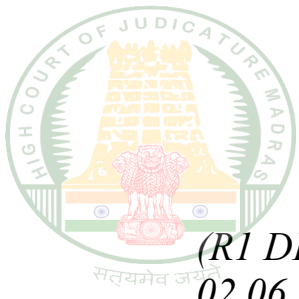
-Vs-

1.The Government of Tamil Nadu
Rep. by its Principal Secretary,
Labour and Employment Department,
Fort,St.George, Chennai-600009.

2. E.S.I.Regional Corporation (Tamil Nadu)
Rep by its Regional Director,
143, Sterling Road,
Chennai-600 034.

3. E.S.I.Corporation
Rep by its Deputy Director (INS IV)
Sub- Regional Office, Panchdeep Complex,
1897, Trichy Road, Ramanathapuram,
Coimbatore-641 045.

...Respondents



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(R1 DELETED FROM THE ARRAY OF PARTIES VIDE ORDER DT 02.06.2025 MADE IN WMP.4460/2024 IN WP.2799/2021 BY PTAJ)

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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, Calling for the records pertaining to the impugned notice dated 02.11.2020 in NO.56001108080001302/ SCN/ INS IV/ Cbe, on the file of the 3rd respondent in respect of the petitioner aided Anglo- Indian School and quash the same.

For Petitioner : Dr.Fr.Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates.

For Respondents : M/s.T.N.C.Kaushik for R.2

: R.1 - Deleted as per order dated
02.06.2025.

: R.3 - served - No appearance

ORDER

The above writ petition is filed for the following reliefs:-

" Calling for the records pertaining to the impugned notice dated 02.11.2020 in NO.56001108080001302/ SCN/ INS IV/ Cbe, on the file of the 3rd respondent in respect of the petitioner aided Anglo- Indian School and quash the same."

2. The petitioner is aggrieved by the notice dated 02.11.2020



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issued by the 3rd respondent informing the petitioner about the proposed criminal prosecution being initiated against them for not paying the amount of contributions for the period 12 of 2012 to 07 of 2020. The notice had called upon the petitioner to submit their reply within 10 days. In response to the said notice a reply has also been sent on 26.11.2020, wherein the petitioner had taken a stand that they have 35 teaching and 5 non-teaching regular staffs and they are drawing regular scale of pay as per the Government aided norms and since they have Government TPF account for each of the staff, they are not amenable to the ESI Act. Despite this, respondents have not called the petitioner for enquiry. Meanwhile, the petitioner has approached this Court and obtained a stay.

3. Considering the above, the Writ Petition is disposed of directing the 3rd respondent to hold an enquiry and pass orders on the representation submitted by the petitioner. A personal hearing shall also be afforded. The said exercise shall be completed within a period of 1 month from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.



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(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

1.The Regional Director,
E.S.I.Regional Corporation (Tamil Nadu)
143, Sterling Road,
Chennai-600 034.

2.The Deputy Director (INS IV)
E.S.I.Corporation
Sub- Regional Office, Panchdeep Complex,
1897, Trichy Road, Ramanathapuram,
Coimbatore-641 045.



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