



WEB COPY



W.P.No.3732 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.3732 of 2025

and

W.M.P.Nos.4124, 4126 & 4127 of 2025

Seethakkathi Matriculation Hr.Sec.School,
Rep. by its Correspondent,
Mr.Mohamed Moidheen
No.23, 24, 3rd Street, Nethaji Nagar,
Tondiarpet (West), Chennai – 600 081.

...Petitioner

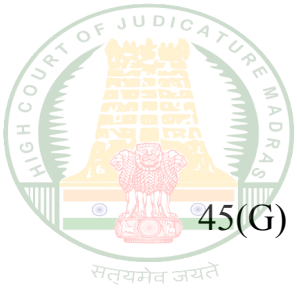
Vs.

1. The Office of the Recovery Officer,
Regional Office,
Employees State Insurance Corporation,
Ministry of Labour & Employment Government of India,
No.143, Sterling Road, Nungambakkam,
Chennai – 600 034.

2. The State Bank of India,
Rep. by its Manager,
Tondiarpet Branch, Chennai – 600 081.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of certiorari to call for the records pertaining to the impugned attachment / Garnishee order dated 16.07.2024 and 26.10.2024 for a sum of Rs.7,99,719/- and Rs.11,221/- respectively issued under Section



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45(G) of the Employees' State Insurance Act, 1948 by the 1st respondent.

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For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.G.Narmadha for ESI

ORDER

The petitioner has filed this Writ petition seeking to quash the order of attachment / Garnishee passed by the 1st respondent dated 16.07.2024 and 26.10.2024 for a sum of Rs.7,99,719/- and Rs.11,221/- respectively issued under Section 45(G) of the Employees' State Insurance Act, 1948

2. Mr.G.Narmadha learned counsel takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner school is recognized by the Government of Tamil Nadu which is functioning under the Aegis of “Burma Tamil Muslim Educational Society”. As there was default in payment of Employees' State Insurance dues by the petitioner, the first respondent passed the respective attachment orders dated 16.07.2024 and 26.10.2024



directing the petitioner to remit the ESI dues payable by the petitioner.

Subsequently, the petitioner made a representation dated 05.12.2024 to the first respondent to raise the attachment order after recovering the contribution from the second respondent. Challenging the impugned attachment orders passed by the first respondent, the present writ petition has been filed.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to permit the petitioner to remit balance amount of Employees Contribution of Rs.4,74,488/- in 5 equated monthly installments, since the petitioner has already paid a sum of Rs.3,40,592/- out of Rs.8,15,080/- in favour of the first respondent.

5. On the above said contentions, heard learned counsel appearing on behalf of the first respondent and perused the materials available on record.

6. In view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permits the petitioner to remit the demand amount of Rs.4,74,488/- by way of five (5)



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equated monthly installments, commencing from 7th April, 2025 and shall pay the remaining installments on or before 7th of every succeeding English Calendar month. Upon payment of first installment within the prescribed period, the first respondent is directed to lift the bank attachment. If the petitioner fails to adhere to the undertaking of remitting any of the installments and commits default, it is open to the first respondent to initiate appropriate action against the petitioner in accordance with law.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

06.02.2025

rap

NCC : Yes/No

Speaking Order : Yes/No

To:

1. The Office of the Recovery Officer,
Regional Office,
Employees State Insurance Corporation,
Ministry of Labour & Employment Government of India,
No.143, Sterling Road, Nungambakkam,

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Chennai – 600 034.

2. The Manager,
The State Bank of India,
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M.DHANDAPANI, J.

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