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W.P. No.21583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P. No.21583 of 2025

Anjalai Ammal Mahalingam Engineering College
Rep by its Administrator A.Ramamurthi
Kovilvenni, Tiruvarur District
Tamil Nadu - 614 403.

... Petitioner

Vs.

1.The Inspection Officer
Employees State Insurance Corporation
No.61/2694, II Floor, South Main Road
Thanjavur District - 613 009.

2.The Deputy Director
Sub Regional Office
No.39/57, Theerthamalai Vaniga Valagam
Three Roads, Salem District - 636 009.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to writ a certiorari by calling for the records and quashing the order of the second respondent in Proceedings No.63001005730001303/INS I/SRO/Salem, dated 17.03.2025.



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For Petitioner : Mr.V.K.Sathiamurthy

For Respondents : Mr.M.Palani Muthu

ORDER

The present writ petition is filed for the following relief :

"To issue writ a certiorari by calling for the records and quashing the order of the second respondent in Proceedings No.63001005730001303/INS I/SRO/Salem, dated 17.03.2025."

2. The learned counsel for the petitioner would submit that provision of the ESI Act became applicable to the College by a notification dated 01.10.2019. The petitioner-College had made its contribution for its employees from 01.01.2020 to 30.04.2025 amounting to Rs.26,97,327/- and a detailed letter in this regard had been sent to the Sub Regional Officer, Thanjavur, by the petitioner-College on 03.12.2019. Despite which, the impugned order dated 17.03.2025 came to be passed by the Deputy Director, Salem, the second respondent intimating that the petitioner-College had failed to comply with the provisions of ESI Act and its Regulations for the period 01.09.2018 to 31.12.2019, failing which,



punishments under Section 85 and 85-A of the Act would follow.

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3. According to the petitioner, the claim made by the second respondent was for the period 01.09.2018 to 31.12.2019, before the provisions of the Act become applicable to the petitioner. Further, the persons who were then employed in the petitioner-College had already left the college and therefore, the College is not in a position substantiate the claim made by the respondents during that period. This has been explained in detail in person to the second respondent on 12.05.2025 by the petitioner-College. Hence, the petitioner seeks to quash the impugned order dated 17.03.2025 issued by the second respondent.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. From a perusal of the impugned order, it is seen that the petitioner was addressed to comply with the provisions of the EPF Act, 1948 in making contributions for the employees of the petitioner-college for the period 01.09.2018 to 31.12.2019. It is represented by the petitioner that its



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officials had met the second respondent in person and had explained the difficulties in complying with the requirements indicated in the impugned order. However, the same has not been submitted in writing. Therefore, the petitioner-College is directed to send a response to the impugned order detailing the grievances faced by it, within a period of two weeks from the date of receipt of a copy of this order. It is further made clear that the respondent-authority shall not address the Administrator of the College by name, in their correspondences, as he is a retired Judge of this Court. All correspondences shall be addressed to the college. On receipt of the said response, the authority, within a period of two weeks thereafter, shall give their reply in writing.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.07.2025

Index : Yes/No
Neutral Citation : Yes / No
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To:

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Employees State Insurance Corporation
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2.The Deputy Director

Sub Regional Office
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P.T. ASHA, J.

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