



W.P.No.23623 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.23623 of 2021
and WMP.No.24861 of 2021

S.B.S.C.Vivekananda Vidayala
Matriculation School,
No.3/59, Beemeswar Street,
Mudichur, Chennai – 600 048.
rep.by its President,
S.Meenakshisundaram.

... Petitioner

Vs

1. The E.S.I.Corporation,
Regional Office (T.N.)
rep by its Regional Director,
Panchadeep Bhavan,
No.143, Sterling road,
Nungambakkam, Chennai – 600 034

2. The Assistant/Deputy Director,
Regional Office (Tamil Nadu)
Employees State Insurance Corporation,
No.143, Sterling road, Nungambakkam,
Chennai 600 034

3. The Recovery Officer, E.S.I.,
Panchadeep Bhavan,
No.143, Sterling road, Nungambakkam,
Chennai 600 034

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the assessments orders of the 2nd and 3rd respondents passed in his proceedings in i.No.51000923660001302/121220191212/C19 dated 12.12.2019 served on 30.12.2019 demanding a sum of Rs.1,37,530/- January 2012 to September 2012 issued by the 2nd respondent. ii) No.51000923660001302 / 121220191211 C19 dated 30.12.2019 demanding a sum of Rs.3,20,480/- for the period from October 2012 to January 2013 issued by the 2nd respondent. iii) Ref No.5100092360001302/CP/362131/CCR-91831 dated 10.02.2020 demanding a sum of Rs.3,20,545/- issued by the 3rd respondent. iv) Ref No.51000923660001302 /CP/362132/CCR-91832 dated 10.02.2020 demanding a sum of Rs.1,37,595/- issued by the 3rd respondent. v) TN/INS/8/51-00-092366-000-1302/C18 Adh/2491-13-650-19 dated 11.08.2021 relying on 08.01.2014 for the period from February 2013 to September 2013 amounting to Rs.1,50,150/- and 30.12.2019 for the period from October 2013 to August 2019 amounting to Rs.15,52,610/- issued by the 2nd respondent. vi) Summons by recovery officer in No.TN/RECY/EC-15/51-51000923660001302/CCR.91831 91832 dated 18.08.2020 issued by the 3rd respondent and to quash the same.

For Petitioner : Mr.P.Ebenezer Paul

For Respondent : Mr.K.Prabakar

ORDER

The writ petition is filed for a Writ of Certiorari to call for the records relating to the assessments orders of the 2nd and 3rd respondents passed in his proceedings in i.No.51000923660001302/121220191212/C19 dated 12.12.2019 served on 30.12.2019 demanding a sum of Rs.1,37,530/- from January 2012 to September 2012 issued by the 2nd respondent.



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2. The petitioner is a school established and administered by Vivekananda Educational Trust (A Private Trust) under a trust deed registered at the office of the Sub Registrar office, Adayar, Chennai, with standards I to VII and subsequently upgraded as High School and finally as Higher Secondary School during the year 2019. The petitioner states that by the Government Order in G.O.Ms.No.237 Labour and Employment (K1) Department, dated 26.11.2010 un-aided private educational institutions were brought under the purview of Employees State Insurance Act, 1948. The G.O. is applicable to those Establishments and class of establishments which are having more than ten employees and who are earning wages less than Rs.21,000/- and these Establishments are liable to pay contribution within the scheme of the Act. The said G.O. was challenged and a Full Bench of this Court in its judgment dated 29.07.2020, reported in 2020 (5) CTC at page 93, upheld the Government Order, with a slew of directions. The order of the Full Bench in so far as paragraph No.131 was concerned was challenged before the Hon'ble Supreme Court and the same is pending. Meanwhile, the respondents issued the impugned order. Aggrieved by the same, the petitioner has filed the writ petition for the aforesaid relief.



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3. The respondents have filed detailed counter. Though the respondents have filed a detailed counter, this Court is not advertent to the respondents counter, since the learned counsel for the petitioner seeks permission of this Court, for out of Court settlement, under the New Amnesty Scheme, 2025.

4. The learned counsel for the petitioner submitted that the respondents on 24.07.2025, introduced New Amnesty Scheme, 2025, for withdrawal of the criminal cases filed against insured persons and employers and settlement of cases filed by employers under Section 75 and 82 of ESI Act, 1948. The learned counsel further submitted that under the sub heading (ii) Dispute of Contribution in clause (i) of the said scheme, it is stated that the employer shall file a petition before the Hon'ble Court, where he raised the dispute and seek permission of Hon'ble Court for out of Court settlement of the matter. The learned counsel therefore seeks permission of this Court to settle the dispute by invoking the scheme.

5. Heard both sides and perused the materials available on record.



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6. On 24.07.2025, the respondents have introduced The New Amnesty Scheme, 2025, for withdrawal of the criminal cases filed against insured persons and employers and settlement of cases filed by employers under Section 75 and 82 of ESI Act, 1948. Under the heading Settlement of Court cases filed under Section 75 and Appeal under Section 82 of ESI Act, 1948 and Article 226 of the Constitution of India in sub heading (ii) Dispute of Contribution, clause (i) reads as follows:-

“i. The employer shall file a petition before the Hon'ble Court where he has raised the dispute and seek permission of Hon'ble Court for out of Court settlement of matter under litigation. If the Court allows, then the matter shall be settled as per the scheme. The employer shall apply for the Amnesty scheme in the proforma prescribed by the Corporation”.

Therefore, the learned counsel for the petitioner in terms of the aforesaid clause seeks permission of this Court to settle the matter as per the scheme.

7. In view of the above discussions, the petitioner is permitted to settle the matter under litigation by invoking the New Amnesty Scheme,



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2025. The petitioner is permitted to apply for Amnesty under the scheme in the proforma prescribed by the Corporation. The Corporation shall thereafter consider the petitioner's application in terms of the New Amnesty Scheme, 2025.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No

Speaking order/Non-speaking order

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N.MALA, J.

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