



WEB COPY



W.P.No.24191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 24191 of 2023

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W.M.P.No. 23643 of 2023

Wesley Higher Secondary School
No. 33, west cott road, Royapettah,
Chennai 14, Rep. by its Correspondent

...Petitioner

Vs.

1. Employees State Insurance Corporation,
Regional Office (Tamil Nadu),
No. 143, Sterling Road,
Chennai 34

2. The Deputy Director
Authorised Officer,
Employees State Insurance Corporation,
Regional Office (Chennai), Panchdeep Bhavan,
No. 143, Sterling Road,
Chennai 34



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3.Recovery Officer

Employees State Insurance Corporation,
Regional Office (Chennai),
Panchdeep Bhavan,
No. 143, Sterling Road,
Chennai 34

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the impugned order of the 2nd respondent in no. TN/ INS.VIII/ 51001069870001302/ c18 Adhoc/ 748 /20 dated 22.10.2020 and the consequential notice of recovery certificate dated 13.07.2023 in No. 51001069870001302/ 12232021429/ INS.VIII / C19 and consequent notice of demand issued by the 3rd respondent dated 25.07.2023 in Ref. no. 51001069870001302/ CP / 556945 quash the same.

For Petitioner : Mr. Selvaraj

For Respondents : Mr. TNC. Kaushik



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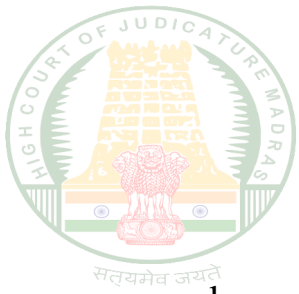
ORDER

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The Writ Petition is filed for the following relief:

“Calling for the impugned order of the 2nd respondent in no. TN/ INS.VIII/ 51001069870001302/ c18 Adhoc/ 748 /20 dated 22.10.2020 and the consequential notice of recovery certificate dated 13.07.2023 in No. 51001069870001302/ 12232021429/ INS.VIII / C19 and consequent notice of demand issued by the 3rd respondent dated 25.07.2023 in Ref. no. 51001069870001302/ CP / 556945 quash the same”

2. Challenge is to the order passed under Section 45 A of the Employee State Insurance Act, herein after called the Act, against which an appeal remedy is contemplated under the provisions of Section 45 AA of the Act.



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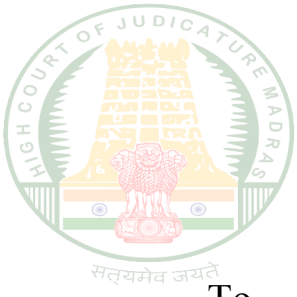
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3. Without taking recourse to the appellate remedy the petitioner has rushed to this Court by filing the Writ Petition. In the course of the argument, the learned counsel for the petitioner would submit that as per proviso to Section 45 E (2) of the Act, authorised officer shall withdraw a certificate or correct clerical or arithmetical mistakes in the certificate issued under Section 45C by sending an intimation to the Recovery Officer. However, the certificate, the subject matter of the Writ Petition is not a recovery certificate.

4. Therefore, considering the fact that an appeal remedy is available the Writ Petition is disposed off with a direction to the petitioner to file an appeal by 30.07.2025. The period taken for prosecuting the Writ Petition shall be excluded when calculating limitation. Consequently, the connected miscellaneous petition is closed. No costs.

30.06.2025

Index : Yes/No
Internet : Yes/No
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To
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