



W.P.No.34536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.07.2025**

CORAM

THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.34536 of 2023
and W.M.P.No.34451 & 34454 of 2023

M/s/K.R.S.Services
represented by its Proprietor
K.Ragupathi

.... Petitioner

Vs

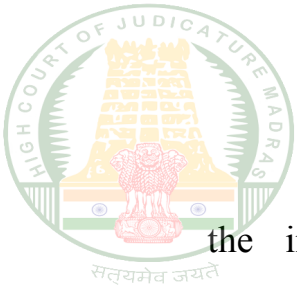
1.The Regional Director
ESI Corporation
No.143, Sterling Road,
Chennai.

2.The Deputy Director
ESI Corporation
No.143, Sterling Road,
Chennai.

3.City Union Bank
represented by the Bank Manager
Padi Branch
No.759, Madras Thiruvallur High Road,
Periyar Nager, Mannurpet,
Padi, Chennai.

.... Respondents

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to



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the impugned order bearing no.TN/Ins-V/51-100-110268-000-0606 passed under section 45A of the ESI Act dated 14.09.2022 issued by the 2nd respondent.

For Petitioner : Mr.Ramesh Venkatachalapathy
For R1&R2 : Mr.S.P.Srinivasan
Senior Counsel
For R3 : No appearance

ORDER

This writ petition has been filed by the petitioner to quash the impugned order passed by the 2nd respondent bearing no.TN/Ins-V/51-100-110268-000-0606 under section 45A of the Employees' State Insurance (ESI) Act, dated 14.09.2022.

2. The learned counsel for the petitioner would submit that the petitioner concern, covered by Employees' State Insurance (ESI), had a contract with Tiruvannamalai Municipality which was subsequently terminated. This communication was communicated to the ESI Authorities. Despite this, the impugned order was passed. Aggrieved by the said order, the present writ petition has been filed.



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3. The learned counsel for the respondents 1 and 2 would submit

that the order was passed under section 45A of the Employees' State Insurance Act, which provides an alternative remedy of appeal. The petitioner without exhausting this available remedy, directly filed the writ petition. Therefore, this writ petition is liable to be dismissed.

4. This Court heard both sides and perused the records.

5. The impugned order was passed by the ESI authority under 45A of the Employees' State Insurance Act and an appeal against such an order is provided under section 45AA, to be preferred to the appellate authority within 60 days. However, this writ petition was filed directly without exhausting that appeal remedy.

6. Therefore, it is appropriate to direct the petitioner to approach appropriate authority in accordance with law. The petitioner is entitled to benefit under section 14 of the Limitation Act for the period this writ petition was pending.



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7. In view of the aforesaid discussions, this Court is of the opinion

that this writ petition is to be disposed of. Accordingly, with the above terms this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2025

Index : Yes/No
Neutral citation : Yes/No
mpa

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P.DHANABAL,J.

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