



W.P.No.36444 of 2024 etc., (batch cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.36444, 36450, 36523, 36527, 36540, 36541, 36544, 36531, 36532,
and 36535 of 2024

& W.M.P.Nos.39309, 39313, 39314, 39315, 39374, 39375, 39377, 39378,
39381, 39382, 39383, 39384, 39385, 39388, 39390, 39391, 39392, 39397,
39398, 39307, 39311 and 39380 of 2024

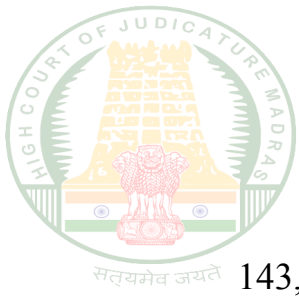
In W.P.No.36444 of 2024:-

The Chairman,
RVS Educational Trust,
Trichy Road,
Kumaran Kottam Campus,
Kannampalayam - 641 402,
Coimbatore District.

.. Petitioner

Versus

1. The State of Tamil Nadu
Rep by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. The Employees State Insurance - Regional
Corporation (Tamil Nadu),
Represented by its Regional Director,



W.P.No.36444 of 2024 etc., (batch cases)

WEB COPY

143, Sterling Road,
Chennai - 600 034.

3. The Deputy Director,
Employee's State Insurance Corporation,
Sub-Regional Office, Coimbatore,
1897, Trichy Road, Panchdeep Bhavan,
Ramanathapuram, Coimbatore - 641 045.
4. The Authorized Officer,
Employee's State Insurance Corporation,
Sub-Regional Office, Coimbatore,
1897, Trichy Road, Panchdeep Bhavan,
Ramanathapuram, Coimbatore - 641 045.
5. The Recovery Officer,
Employee's State Insurance Corporation,
Sub-Regional Office, Coimbatore,
1897, Trichy Road, Panchdeep Bhavan,
Ramanathapuram, Coimbatore - 641 045.
6. The Branch Manager,
Catholic Syrian Bank,
Chinnathamani Pudur Branch,
15/21, Chinnathamani Pudur,
Trichy Road,
Coimbatore District - 641 005.

.. Respondents

Prayer in W.P.No.36444 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 5th



W.P.No.36444 of 2024 etc., (batch cases)

respondent Recovery Officer passed order in File No.CBE.RECY/56/56/110939/001/1303, dated 04.11.2024 directing the 6th respondent Bank to transfer the amount available from the 6th respondent bank, quash the same, and further direct the 5th respondent Recovery Officer to reimburse/refund the amount of Rs.58,47,321.00/- recovered from the personal account of the Chairman of the petitioner in the 6th respondent bank to the petitioner with interest from the date of the recovery made.

For Petitioner : M/s.H.Mary Sowmi Rexi
(in all W.Ps)

For Respondents : Mr.K.Surendran,
(in all W.Ps) Additional Government Pleader,
for R1

: Mr.G.Bharadwaj and
Mrs.G.Narmadha, for RR-2 to 5

COMMON ORDER

All these Writ Petitions are filed by the Chairman of R.V.S. Educational Trust, Coimbatore. In all these matters, the prayers are made with reference to the consequential steps that are taken by the Employee's State Insurance Corporation to realise the amount of contribution due and



W.P.No.36444 of 2024 etc., (batch cases)

also the interest due in respect of the period i.e., from 29.12.2010 to
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13.09.2019.

2. It can be seen that the Writ Petitions filed by the very same petitioner Trust in W.P.No.21187 of 2021 etc., (batch cases) were considered by this Court in detail and the Writ Petitions were disposed of by the common order, dated 03.01.2025. After giving detailed reasons, the Writ Petitions were partly allowed on the following terms:-

" 10. In the result, **these Writ Petitions are partly allowed** in the following terms:-

(i) The orders passed under Section 45 A of the Act, in all these cases, assessing the contribution payable stand upheld. The consequential orders enforcing the arrears shall remain set aside, in as much as they seek to recover interest alone;

(ii) The ESIC is entitled to recover the entire contributions and the other items claimed except the interest portion and accordingly the total amount due shall be reworked;

(iii) If the entire amount is already realised and if there is an excess, the same shall be refunded to the petitioner - trusts within eight weeks from today and all the orders of freezing the bank account etc., shall come to an end and the petitioner would be free to operate those accounts;



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W.P.No.36444 of 2024 etc., (batch cases)

(iv) If still balance amount is due, further steps can be taken to realise the same in accordance with law and the balance sum due shall be recoverable with further interest at the rate of 12% per annum from today;

(v) No costs. Consequently, the connected miscellaneous petitions are closed."

Thus, the directions given in the said order would also govern these Writ Petitions and these Writ Petitions are also partly allowed in the same terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.01.2025

Neutral Citation : no
grs

To

1. The Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. The Regional Director,
The Employees State Insurance - Regional
Corporation (Tamil Nadu),
143, Sterling Road,
Chennai - 600 034.



W.P.No.36444 of 2024 etc., (batch cases)

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W.P.No.36444 of 2024 etc., (batch cases)

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.36444 of 2024 etc., (batch cases)



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W.P.No.36444 of 2024 etc., (batch cases)

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