



WEB COPY

WP No. 38798 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 38798 of 2025

and

WMP No.43411 of 2025

M/s. Rajam Garments,
Rep. by its Partner C.M.Raju,
No.4, (Old No.23 & 23A),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

Petitioner(s)

Vs

1. The Regional Director,
Employees State Insurance Corporation,
143, Sterling Road, Nungambakam,
Chennai - 600 030.

2.The Deputy Director,
Employees State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai- 600 030.

3.The Recovery Officer,
Employees State Insurance Corporation,
143, Sterling Road, Nungambakam,
Chennai- 600 030.

4.The Manager,



Bank of Maharashtra,
No. 17/1, Pulla Avenue,
Nearby Ortho Dent Clinic,
Shenoy Nagar, Chennai 600 030.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus, call for records pertaining to the orders issued in TN/RECY/45-G/51000898640000108/CCR-VARIO US CCR dated 03.09.2025 and No.TN/RECY/ /51000898640000108/CCR-VARIOUS CCR dated 25.09.2025 issued by the Recovery Officer, Employees State Insurance Corporation, 143, Sterling Road, Nungambakkam, Chennai - 34 and to quash the same and to direct the Manager, Bank of Maharashtra, Pulla Avenue, Shenoy Nagar, Chennai to permit the petitioner to operate his bank account.

For Petitioner(s): Mr.P.V.Ramachandran
for Mr.V. Venkatesan

For Respondent(s): Mr.A.G.F.Terry Chella Raja

ORDER

Writ petition is filed for a writ of certiorarified mandamus to call for the records of the 3rd respondent in proceedings TN/RECY/45-G/51000898640000108/CCR-VARIO US CCR dated 03.09.2025 and No.TN/RECY/ /51000898640000108/CCR-VARIOUS CCR dated 25.09.2025, to quash the same and to further direct the Manager, Bank of Maharashtra, Pulla Avenue, Shenoy Nagar, Chennai to permit the petitioner to operate his bank account.



2. The petitioner states that 45-A order under the ESI Act, 1948, was passed on 17.11.2014, for the period October 2009 to March 2010, for a sum of Rs.57,915/- and Rs.1,68,920/- for the period April 2010 to March 2011, towards ESI contribution. The petitioner challenged both the 45-A orders in E.I.O.P. Nos. 3 of 2016 and 4 of 2016. The petitioner states the due to some health issues, the petitioner was not able to prosecute the appeals and therefore, the appeals were dismissed for default on 27.07.2023. The petitioner thereafter paid Rs.3,04,055/- towards principal and interest for both cases and also filed I.A Nos. 1 and 2 of 2024 in E.I.O.P. 3 of 2016 and I.A.Nos. 1 and 2 of 2024 in E.I.O.P. No.4 of 2016, for condonation of delay and for restoration of appeal. The Hon'ble Court was pleased to condone the delay vide its order dated 18.06.2024, and to restore the appeal on 20.08.2024. The petitioner further states that when the appeals came up for hearing, it was brought to the notice of the Court that, the contribution amount along with interest was already paid and the Court taking into account of the said submissions, vide its order dated 13.06.2025, closed the appeals as infructuous, since the claim was satisfied with interest and that the petitioner as well as the respondent made appropriate



endorsement for payment of the amount along with interest. The petitioner states that, while so, to its surprise and dismay, the 3rd respondent issued the impugned order of attachment dated 03.09.2025, in proceedings No.TN/RECY/45G/51000898640000108/CCR-VARIOUS CCR, to the 4th respondent Bank, attaching the petitioner's bank account for recovery of Rs.4,86,616/-. The petitioner further states that the 3rd respondent also issued show cause notice for issue of Warrant of Arrest in proceeding No.TN/RECY/ /51000898640000108/CCR-VARIOUS CCR, on 25.09.2025, for the aforesaid sum, calling for the petitioner's explanation on committal to civil prison for execution of the certificate for recovery of arrears. Aggrieved by the impugned orders, the petitioner has filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the impugned orders are exfacie illegal, arbitrary and colourable exercise of power. The learned counsel further submitted that the impugned orders were passed in violation of principles of natural justice and with an intention to victimise the petitioner. The learned counsel therefore prayed that the impugned orders be set



aside on the aforesaid grounds.

4. Mr.A.G.F.Terry Chella Raja, learned counsel takes notice for the respondents.

5. I heard both the learned counsels and perused the materials placed on record. With the consent of both the learned counsels, the main writ petition is taken up for final disposal.

6. I have gone through both the impugned orders and find that the impugned orders are as vague as vagueness can be. The 3rd respondent has not referred to any proceedings and the periods, for which the amount of Rs.4,86,616/- was claimed from the petitioner.

7. It is pertinent to note here that, in the impugned orders dated 03.09.2025, it is stated that the amount was claimed for various dates and for various periods. So also, a close examination of the impugned order dated 25.09.2025, reveals the total non-application of mind by the 3rd respondent. In the second paragraph, the 3rd respondent has directed the petitioner to appear before him in person, on 18.12.2024 at 11.30 a.m, to show cause as to why he should not be committed to civil prison for execution of the certificate. The



dates stated therein unmistakably reveal the perfunctory manner in which the 3rd respondent has dealt with the matter. By way of illustration, for an order passed on 25.09.2025, the 3rd respondent directed the petitioner to appear on 18.12.2024, reflecting a mechanical and superficial exercise of jurisdiction. Be that as it may, it is the specific stand of the petitioner that entire amount was remitted along with interest and an endorsement was also made by the petitioner as well as the respondent in the appeals which were dismissed as infructuous. The 3rd respondent in all fairness ought to have examined, if the amounts were really settled and if so, for which periods. Even without verifying the payments made, the 3rd respondent has mechanically issued the impugned orders, which as rightly contended by the learned counsel for the petitioner, reflects total non application of mind. Hence this Court is of the view that the impugned orders are unsustainable. The impugned orders dated 03.09.2025 and 25.09.2025, are therefore set aside and consequently, the 4th respondent/ Manager, Bank of Maharashtra, Pulla Avenue, Shenoy Nagar, Chennai, is directed to permit the petitioner to operate the bank account. However, the 3rd respondent is at liberty to pass fresh orders, if the liability is established as per law.



Accordingly, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

dsn

16-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Nungambakkam, Chennai - 600 030.

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N.MALA J.

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