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W.P.No.48309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.48309 of 2025

Kanimozhi Ganesan

... Petitioner

Vs

1. The Regional Director,
ESI Corporation,
Sub Regional Office,
Coimbatore – 641 015.
2. The Director of Matriculation Schools,
DPI Compound College Road,
Nungambakkam,
Chennai – 600 006.
3. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office,
1897, Trichy road, Panchadeep Bhavan,
Ramanathapuram,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue writ of mandamus directing the 1st respondent herein to dispose of the appeal dated 11.09.2025 made by the petitioner as expeditiously as possible.



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For Petitioner : M/s.Haritha
For Respondents : Mr.T.N.C.Kaushik
Standing Counsel for R1 and R2 (ESI)

ORDER

The prayer in the writ petition is to dispose of the appeal dated 11.09.2025, made by the petitioner as expeditiously as possible.

2. Upon hearing the learned Counsel for the petitioner, perusing the affidavit and the other materials filed in support there of, it can be seen that the petitioner is seeking to dispose of the appeal dated 11.09.2025 and the same is annexed in Page Nos.89 and 90 of the paper book.

3. A perusal of the said appeal, it can be seen that the prayer that is made is that the review application to be taken up for hearing and to consider the same in the light of the liberty granted by the High Court in W.P.No.2612 of 2022. It is specifically seen that in the previous paragraph, the date of the review application being 23.12.2019 as referred to. It can be seen that even in the paper book an order dated 06.02.2020 has been annexed which categorically refers to the said review dated 23.12.2019 as Reference No.2 and the same was disposed of with liberty to prefer an appeal before the appellate authority as may be provided under the Regulations. Therefore, once the review application was earlier disposed of, then the same cannot be again



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reconsidered by virtue of the order that was passed in W.P.No.2612 of 2022.

The order that is passed in W.P.No.2612 of 2022 is extracted here under for ready reference:

“6. On a careful perusal of the said judgments would show that they will not applicable to the facts of the present case, whereas in W.P.No.15405 of 2020, this Court held that dues cannot be recovered during the Covid 19 Pandemic period and in W.P.No.722 of 2024, where the petitioner was not related to the business of the establishment against which the order has been passed. In the case on hand, the petitioner admitted the coverage of ESI Act to the school and after closure of the school, the order was passed under Section 45 A of the ESI Act. This impugned order is consequential order. However, considering the fact that the school has already been closed and thereafter the second respondent passed the order, this Court is inclined to grant liberty to the petitioner to challenge the said order under Section 45 A of the ESI Act in the manner known to law within one month from the date of receipt of copy of this order. Till such time, the second respondent need not take any coercive steps.

7. With the above said observations, this writ petition is dispose of. No costs. Consequently, connected miscellaneous petitions is closed.”



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4. Thus, it can be seen that what is given is a liberty for the petitioner to file an appeal. It is seen that the petitioner has already paid 25% in the earlier round. Therefore, it can be seen that the liberty that is given by the Court is to challenge the said order passed under Section 45A of the ESI Act and as against the said order, the petitioner can file an appeal under Section 45A before the Authorities. For that, the limitation period is 60 days and the same has expired. But, however, the petitioner has the limitation to challenge the said order under Section 45A by approaching the ESI Court. Therefore, keeping open the said liberty of the petitioner to challenge the said order under Section 45A before the ESI Court, and while so challenging, it will also be open to them to press into account the 25% already paid with reference to the mandatory deposit.

5. With the above said liberty, the Writ Petition stands disposed of.
No costs.

12.12.2025

veda

Neutral Citation: Yes/No



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To

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D.BHARATHA CHAKRAVARTHY, J.

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