



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13833 of 2025

and

W.M.P(MD)No.10016 of 2025

M.Manorama Vinitha,
Ex-Correspondent,
Kings Matriculation School,
Cheranmahadevi Road,
Kondanagaram - 627 010,
Tirunelveli District.

... Petitioner

Vs

1.ESI Corporation,
Rep. by its Assistant Director,
Sub Regional Office(Tirunelveli),
Salai Street, Vannarpetttai,
Tirunelveli - 627 003.

2.Recovery Officer,
ESI Corporation,
Sub Regional Office(Tirunelveli),
Salai Street, Vannarpettai,
Tirunelveli - 627 003.

3.Kings Matriculation School,
Rep. by its Present Correspondent,
Cheranmahadevi Road, Kondanagaram - 627 010,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 24.03.2025, passed by the Labour Court in I.A.No. 3 of 2024 in I.A.No.2 of 2024 in unregistered E.S.I.O.P.S.R.No.260 of 2024 dated 22.02.2024, and quash the same as illegal.



WEB COPY



For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.C.Karthik
Standing Counsel for R1 & R2

* * * * *

ORDER

The present writ petition has been filed by the erstwhile Management of the Kings Matriculation School challenging the order passed by the E.S.I. Court in I.A.No.3 of 2024 in I.A.No.2 of 2024, in unregistered E.S.I.O.P.

2.The first respondent Corporation has passed an order under Section 45A of the Employees' State Insurance Act, 1948, as against the petitioner Management. Challenging the same, the petitioner Management has filed the present E.S.I.O.P. Pending E.S.I.O.P., the petitioner Management has filed I.A.No.2 of 2024, seeking waiver of pre-deposit. While the said E.S.I.O.P. was pending without being numbered, the first respondent Corporation has recovered the said amount from the proposed party, namely, the present Management of the Kings Matriculation School. In such circumstances, the erstwhile Management of the Kings Matriculation School has filed I.A.No.3 of 2024, to implead the present Management.



3.The application seeking to implead the present Management has been dismissed by the E.S.I. Court. Challenging the same, the present writ petition has been filed.

4.According to the learned Counsel appearing for the writ petitioner, the amount sought to be recovered under Section 45A of the Act, has been recovered from the present Management of the School. In such circumstances, unless the present Management is impleaded as a party in the writ petition, the said amount cannot be claimed by the present Management.

5.The learned Standing Counsel appearing for the first and second respondent Corporation has strongly raised objection to implead the present Management on the ground that the period covered under the impugned order is between February 2015 and November 2019, during which the erstwhile Management was administering the School. In such circumstances, the present Management is not a necessary party.

6.I have considered the submissions made on either side and perused the materials available on record.



WEB COPY

7. Considering the fact that the first respondent Corporation has already recovered the amount as per Section 45A of the Act from the present Management of the Kings Matriculation School, is a necessary party to the proceedings. In such circumstances, the order impugned in the writ petition is hereby set aside and I.A.No.3 of 2024, stands allowed.

8. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

02.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



WEB COPY To

1.The Assistant Director,
The ESI Corporation,
Sub Regional Office(Tirunelveli),
Salai Street, Vannarpettai,
Tirunelveli - 627 003.

2.The Recovery Officer,
ESI Corporation,
Sub Regional Office(Tirunelveli),
Salai Street, Vannarpettai,
Tirunelveli - 627 003.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.13833 of 2025

02.06.2025