



W.P.(MD).No.13736 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13736 of 2025
and
W.M.P(MD) No.9903 of 2025

CSI Public Matric School,
Represented by its Principal,
Mrs.M.Chandrakantham,
CSI Christ Church Campus,
Azhagiamandapam,
Mulagumoodu Post,
Kanyakumari District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai – 600 009.
2. The Deputy Director,
Employees' State Insurance Corporation,
Panchdeep Bhavan,
ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli – 627 003.



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3. The Recovery Officer,
Employees' State Insurance Corporation,
Panchdeep Bhavan,
ESIC Complex,
Salai Street, Vannarpettai,
Tirunelveli – 627 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent herein vide No.No. 66-00-040925-000-1302/45-A/SRO/TLI/590-22/dated 19.12.2024 quash the same as illegal, arbitrary and against the principles of natural justice.

For Petitioner : Mr.Brijesh Kishore
For Mr.C.Rajakumar

For R1 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R2 and R3 : Mr.C.Karthick
Standing Counsel

ORDER

The present Writ Petition has been filed by the Management of CSI Public Matric School challenging the order passed by the second respondent herein under Section 45-A of the Employees' State Insurance Act.

2. According to the learned counsel appearing for the writ petitioner, the



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proceedings initiated under Section 45-A of the Employees' State Insurance Act, were clearly barred by limitation, in as much as the period, for which, contribution has been demanded from April 2019 to May 2022, whereas orders have been passed on 19.12.2024, which is clearly beyond the period of five years.

3. Per contra, the learned Standing Counsel appearing for the respondents 2 and 3 submits that right from the year 2011 onwards, the petitioner, through her association has been litigating their coverage under the Employees' State Insurance Act and their liability to pay contribution. The Writ Petition ultimately came to be disposed of in the year 2020. The present impugned order under Section 45-A of the Employees' State Insurance Act has been passed on 19.12.2024, as the entire period under litigation has to be excluded for computing the period of limitation.

4. Considering the above said facts, the petitioner, having an effective alternative statutory remedy of filing an appeal under Section ~~(*)~~75 of the Employees' State Insurance Act, this Court is not inclined to entertain the present Writ Petition. The defences open to the writ petitioner are left open to be raised before the appropriate forum.



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5. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

(*)Amended as per the Order of this Court dated 25.07.2025.

Sd/ -(11.07.2025)

// True Copy //

Assistant Registrar(CS III)

/ /2025

Sub Assistant Registrars CS (I/II/III/IV)

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Note:

Registry is directed to return the original impugned order to the petitioner after getting necessary endorsement after retaining a copy of the same for record.

To

1. The Principal Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai – 600 009.

2. The Deputy Director,
Employees' State Insurance Corporation,
Panchdeep Bhavan,
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3. The Recovery Officer,
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+1 CC to M/s.C.RAJA KUMAR, Advocate (SR-42571[F] dated 14/07/2025)

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023