



W.P(MD)No.14351 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14351 of 2025

and

W.M.P.(MD)No.10539 of 2025

M/s.Stella Marys CBSE School,
Through the Principal,
Mrs.Zohara Hussain,
Vellamodi Junction,
Ganapathipuram Post,
Kanyakumari-629 202.

... Petitioner

Vs.

1.Employees State Insurance Corporation,
Through its Deputy Director,
Mr.Vivek,
Sub Regional Office,
Panchdeep Bhavan,
ESIC Complex, Salai Street,
Vannarpettai,
Tirunelveli-627 003.

2.The Recovery Officer,
Employees State Insurance Corporation,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order dated 09.10.2024 in No. 66-00-045706-000-1302/45-A/SRO/TLI/460-24/ of the first respondent, quash the same as illegal and consequently, directing the respondents to consider the petitioner's representation dated 09.12.2024 to give write-off or waiver for the amount Rs.6,46,955/- demanded in the impugned order under Section 91-C of ESI Act.

For Petitioner : Mr.R.Guruchakkaravarthy

For Respondents : Mr.C.Karthick

ORDER

The present writ petition has been filed challenging the order passed under Section 45A of the ESI Act.

2. According to the learned counsel appearing for the writ petitioner, the petitioner school has not paid the full salary during the Covid period and therefore, the order impugned in the writ petition is liable to be set aside.

3. Since there is a factual dispute with regard to the quantum of salary paid by the petitioner school, the petitioner has to avail the appellate remedy under Section 75 of the ESI Act.



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4. With the above said observation, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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R.VIJAYAKUMAR, J.

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