

WP(MD)No.16077 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16077 of 2019

and

W.M.P.(MD)Nos.12778 and 12780 of 2019

M/s.Absara Consultancy,
Rep. by its Proprietor
B.Muthukumarasamy
No.35, Ayothi Ram Nagar,
Madasamy Kovil Street,
Rajapalayam,
Virudhunagar District.

... Petitioner

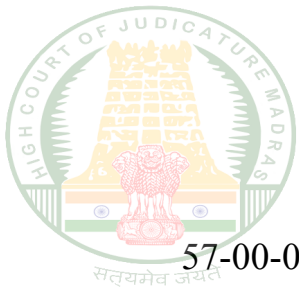
versus

1. Employees State Insurance Corporation
Rep. by the Deputy Director,
Sub Regional Office (Madurai),
2nd West Street, K.K.Nagar,
Madurai – 625 020.

2. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office (Madurai),
2nd West Street, K.K.Nagar,
Madurai – 625 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the impugned orders dated 21.02.2019 in No.



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57-00-073769-000-1009/INSI/SRO/MDU/446/18 passed by the 1st respondent and the consequential impugned order dated 10.06.2019 in No. 57/RRC/00/073769/000/1009/SRO/MDU/18 passed by the 2nd respondent and quash the same.

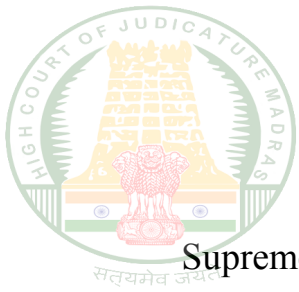
For Petitioner : Mr.A.Sivaji

For Respondents : Mr.I.Pinaygash

ORDER

The petitioner is a building contractor and also the member of the Builders Association of India. The petitioner has filed this writ petition challenging the order dated 21.02.2019 passed by the 1st respondent/Employees State Insurance Corporation under Section 45-A of the ESI Act, 1948 and the consequential Garnishee Order dated 10.06.2019 passed by the 2nd respondent under Section 45G of the ESI Act, 1948.

2. When this writ petition is taken up for hearing, the learned counsel on either side submit that the issue of fixing liability under Section 45-A of the ESI Act is pending before the Hon'ble Supreme Court in SLP No.13351 of 2018 and the Hon'ble Supreme Court has entertained the same and granted stay for similar proceedings initiated by the ESI Corporation, Bombay and subsequently, other writ petitions filed before various High Courts have also been tagged and the same are pending before the Hon'ble



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Supreme Court.

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3. This writ petition is pending from the year 2019. Since the applicability of ESI Act for construction workers has been seized off by the Hon'ble Supreme Court and the orders are awaited, this writ petition is disposed of with liberty to the ESI Corporation to recover the contribution if any, depending upon the outcome of the orders of the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

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Madurai – 625 020.

2. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office (Madurai),
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B.PUGALENDHI,J.

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