



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17593 of 2025
and
W.M.P(MD)No.13432 of 2025

M/s.Omegha Fabs,
Rep. by Proprietor,
S.Saraswathi

...Petitioner

Vs

1.The Deputy Director,
Sub-Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.

2.The Recovery Officer,
ESI Corporation, Salem.

3.The Branch Manager,
ESI Corporation,
No.492, Jawahar Bazaar,
2nd Floor, Opp. to Head Post Office,
Karur - 639 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, to call for the records relating to the order of the 1st respondent dated 31.01.2023, made in No.63-00-095039-000-0199/INS-I/SRO/SLM/321/20, and consequential order passed by the 1st respondent dated 11.12.2024, made in No.63000950390000199/INS-I/SRO/SLM/C19, and quash the same as illegal, arbitrary and against law.



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For Petitioner : Mr.N.Shanmuga Selvam
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1
Mr.I.Pinaygash
Standing Counsel for R2 & R3

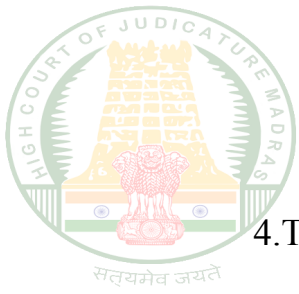
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ORDER

The present writ petition has been filed by the Employer challenging the order passed under Section 45A of the E.S.I. Act.

2.According to the learned Counsel appearing for the writ petitioner, no proper notice was issued to her before passing such an order and no opportunity was granted. The learned Counsel appearing for the writ petitioner has further submitted that recovery proceedings have been initiated as against a different person who has no connection, whatsoever, with the employer.

3.This Court is of the considered opinion that a statutory appeal remedy is available under the Act and therefore, the question of entertaining the present writ petition would not arise.



4.The petitioner is at liberty to file an appeal **on or before 31.07.2025**. In case, if an appeal is filed within the said date, the same shall be entertained without any reference to the period of limitation.

5.With the above said observations, this Writ Petition stands disposed of.
No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

30.06.2025

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

To

The Deputy Director,
Sub-Regional Office (Salem),
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.



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R.VIJAYAKUMAR, J.

RJR

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