



W.P(MD)No.19697 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19697 of 2025

and

W.M.P(MD)Nos.15154 & 15156 of 2025

N.Kannan

... Petitioner

Vs.

1.The Deputy Director,
Employees' State Insurance Corporation (ESI),
Sub Regional Office (Tirunelveli),
'Panchdeep Bhavan',
ESIC Complex, Salai Street,
Vannarpettai,
Tirunelveli-627 003.

2.The Recovery Officer,
Office of the Recovery Officer,
Employees' State Insurance Corporation (ESI),
Sub Regional Office (Tirunelveli),
'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 Certiorarified Mandamus, to call for the records pertaining to the impugned orders C-18 Notice No.



W.P(MD)No.19697 of 2025

66000414880001001/INS/SRO/TLI/322/24, dated 26.06.2024 on the file of the first respondent and consequential impugned C-19 Notice No. 66000414880001001/INS/SRO/TLI/354-24, dated 28.01.2025 on the file of the second respondent and consequential impugned 45G Garnishee Orders in No. 66000414880001001/RRC/SRO/TLI, dated 09.06.2025 and No. 66000414880001001/RRC/SRO/TLI, dated 09.06.2025 and No. 66000414880001001/RRC/SRO/TLI, dated 09.06.2025 and No. 66000414880001001/RRC/SRO/TLI, dated 09.06.2025 and No. 66000414880001001/RRC/SRO/TLI, dated 16.06.2025 on the file of the second respondent and quash the same as illegal and consequently directing the respondents not to take any coercive recovery steps even after closing the contract work with the industry, namely, Dhrangadhra Chemical Works Limited and also beyond the period of 5 years limitation as envisaged under Section 77(b) of the ESI Act 1948 and pass any such further order or orders as this Court.

For Petitioner : M/s.J.Meenakshi

For Respondents : Mr.I.Pinaygash
Standing Counsel

ORDER

The present writ petition has been filed by the Management challenging the notices issued under Form C-18, C-19 and Garnishee Orders issued by the ESI Corporation.



W.P(MD)No.19697 of 2025

WEB COPY

2. According to the learned Counsel appearing for the writ petitioner, they are contractors of a Chemical Company and their contract got terminated in the year 2015 itself. In such circumstances, notices issued beyond a period of five years is clearly barred by limitation.

3. However, the learned Standing Counsel appearing for the respondents submitted that, they are having an effective alternative remedy either to file an appeal under Section 45AA of the Employees' State Insurance Act, 1948 or approach the ESI Court under Section 75 of the Act. In such circumstances, the writ petition is not maintainable.

4. The petitioner has suffered an order under Section 45A of the ESI Act on 12.09.2024. The learned Standing Counsel appearing for the respondent Corporation has also produced the acknowledgment card to the effect that, the said order has been served upon the petitioner on 28.09.2024. In such circumstances, without filing an appeal as against the said order, the consequential notices or the garnishee orders issued by the respondent Corporation cannot be challenged by way of a writ petition.



W.P(MD)No.19697 of 2025

WEB COPY

5. In view of the above said deliberations, the writ petition stands disposed of with liberty to the petitioner to file an appeal before the competent authority. In case, if such an appeal is presented on or before **01.09.2025**, the same shall be entertained without any reference to the period of limitation.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

24.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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W.P(MD)No.19697 of 2025

WEB COPY

2. The Recovery Officer,
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W.P(MD)No.19697 of 2025

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.19697 of 2025

24.07.2025