



W.P.(MD)No.12335 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.12335 of 2018
and W.M.P.(MD)Nos.11198 & 11199 of 2018

M/s.New Security Force,
Rep. by P.Prabhakar, Managing Partner,
No.12, BSS Complex, Rabi Nagar,
Thiruvanaikoil, Trichy – 5.

... Petitioner

Vs.

- 1.The Director,
E.S.I.Corporation, Sub Regional Office,
Coimbatore, 1857, Trichy Road,
Coimbatore - 641 045.
- 2.The Revenue Recovery Officer,
E.S.I.Corporation,
1857 Trichy Road, Coimbatore 641 045.
- 3.The Revenue Recovery Officer,
E.S.I.Corporation,
Sub Regional Office, Salem,
39/57 Three Roads, Salem 636 009.



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4.M/s.Aavin,
Pachapalayam, Perur Main Road,
Kalampalayam Post, Coimbatore - 641 010.

5.The Director,
Indian Institute of Crop Processing Technology,
Pudhukottai Road, Thanjavur - 613 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Second and Third Respondents pertaining to the Impugned Proceedings vide Garnishee order No. 56-63-72052-001-1018/RRC/2014 dated 28.03.2014 and No.SLM/RECY/45G/56-63-72052-000-1018/CCR No.4423 dated 13.01.2015 respectively passed by the second and third Respondents and quash the same as illegal and arbitrary and consequently to direct the second and third Respondents to issue the modified proceedings to release the amount illegally attached by them to the fourth and fifth Respondents.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.I.Pinaygash for R1 to R3

Mr.V.O.S.Kalaiselvam for R4
Mr.D.Jayapal for R5



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ORDER

This Writ Petition has been filed aggrieved by the orders dated 28.03.2014 and 13.01.2015 issued by respondents 2 and 3 proposing to recover an amount of Rs.12,31,230/- being the amount due under an order passed under Section 45-A of the ESI Act, 1948 dated 21.01.2014, on the ground that the petitioner has already preferred an appeal before the ESI Court against the said order dated 21.01.2014, and the learned ESI Court has granted interim stay vide order dated 08.10.2015.

2. Today, when the matter is taken up for consideration, it is brought to the notice of this Court that the said ESIOP No.3 of 2015 filed against the order passed under Section 45-A of the ESI Act, 1948 dated 21.01.2014 came to be dismissed by the learned ESI Court, by an order dated 19.02.2019. In the light of the above, the basis of the challenge to the impugned proceedings is lost.



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WEB COPY 3. According to Mr.I.Pinaygash, learned counsel for respondents 1 to 3, the said order dated 19.02.2019 passed in E.S.I.O.P.No.3 of 2015 has attained finality, as the petitioner has not chosen to challenge the said order till date.

4. Having taken note of the above factual situation, the learned counsel for the petitioner submitted that the petitioner has already paid an amount of Rs.3,10,900/-, out of the total amount of Rs.12,31,230/- and reasonable installments may be granted for paying the balance amount to the respondents 1 to 3.

5. While so, Mr.V.O.S.Kalaiselvam, learned counsel appearing for respondent No.4 submitted that the respondent No.4 is holding an amount of Rs.4,25,000/- payable to the petitioner, by virtue of the impugned order dated 28.03.2014 and the said amount is still lying with the respondent No.4 and the respondent No.4 will comply with the orders to be passed in the present Writ Petition.



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6. In the light of the above, as the amounts that are due and payable by the petitioner to the respondents 1 to 3 in terms of the order dated 21.01.2014 passed under Section 45-A of the ESI Act, 1948 vide proceeding No. 56630720520011018/1212014420 has become final, the petitioner cannot escape from its liability to pay the said amount. As admittedly, the amount belonging to the petitioner is lying with the respondent No.4, the same is required to be remitted to the respondents 1 to 3 in terms of the impugned order dated 28.03.2014. Accordingly, the respondent No.4 is directed to remit the amount of Rs.4,25,000/- to the respondents 1 to 3 within a period of four weeks from the date of receipt of a copy of this order. The entire balance amount, after adjusting the amount of Rs.4,25,000/- and the amounts already paid by the petitioner is permitted to be cleared by the petitioner in 10 equal monthly installments commencing from 01.04.2025. In case, if the petitioner commits any default in payment of the installments for any two consecutive months, the respondents Corporation is at liberty to proceed in accordance with law.



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WEB COPY 7. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

10.03.2025

Neutral Citation: Yes / No
Index : Yes / No

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