



W.P(MD)No.23763 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition(MD)No.23763 of 2025

and

W.M.P(MD)Nos.18659, 18660 & 18662 of 2025

M/s P.Shanmugasundaram Contractor,
rep. by its Proprietor,
Shanmugasundaram,
S/o Perumal,
No.26, Kanniyalar Street,
Arumuganeri,
Thoothukudi – 628 202.

..Petitioner

Vs.

1. Deputy Director
Employees State Insurance Corporation,
Panchadeep Bhawan,
ESIC Complex,
Salai Street,
Vannarapettai,
Tirunelveli - 627 003.

2. The Recovery Officer
Employees State Insurance Corporation,
Panchadeep Bhawan,
ESIC Complex,
Salai Street,
Vannarapettai,
Tirunelveli - 627 003.



W.P(MD)No.23763 of 2025

WEB COPY

3. Regional Director
Appellate Authority,
ESI Corporation,
Regional Office,
Panchadeep Bhawan,
143, Sterling Road,
Nungambakkam,
Chennai - 600 034.

... 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 order passed by the 1st respondent in Order in Reference No.66-00-033263-000-1001/45-A/SRO/TLI/286/22/123/23 dated 17.11.2023 and quash the same as illegal and direct the 2nd respondent to stay the Garnishee order passed in Order Reference No.66000332630001001/RRC/SRO/TLI dated 30.07.2025 and allow the petitioner to file an appeal before the 3rd respondent.

For Petitioner : Mr.P.Selvakumar

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

The petitioner has challenged the impugned order passed under Section 45A of the E.S.I. Act by the first respondent, as well as the recovery order dated 30.07.2025 issued by the second respondent.



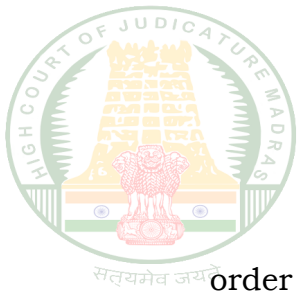
W.P(MD)No.23763 of 2025

WEB COPY

2. The petitioner has an alternative remedy by way of an appeal under Section 45AA of the E.S.I. Act, 1948, before the third respondent. However, the petitioner has left over the right.

3. The learned standing counsel for the respondents submits that an appeal at this belated stage cannot be entertained, and therefore, the writ petition is liable to be dismissed. He further contends that the impugned order and the recovery order do not suffer from any infirmity, particularly in light of the fact that the petitioner has already waived the right conferred under the statute. It is also submitted that, as per the recovery order dated 30.07.2025 issued by the second respondent, a sum of Rs.11,62,114/- is payable by the petitioner. It is noticed that the petitioner has not replied to the notice that preceded the impugned order dated 17.11.2023 passed by the first respondent. There has been a failure on the part of the petitioner, as an employer, to make contributions as required under Regulations 26 and 31 of the E.S.I. (General) Regulations, 1950, read with Section 39 of the E.S.I. Act, 1948.

4. Since the petitioner may still have a case before the appellate authority, I am inclined to grant relief to the petitioner on terms. The petitioner shall deposit 50% of the amount determined in the recovery



W.P(MD)No.23763 of 2025

WEB COPY

order issued by the second respondent dated 30.07.2025 within a period of 30 days from the date of receipt of a copy of this order. Simultaneously, the petitioner shall also file an appeal before the third respondent and produce proof of such payment. In case the petitioner complies with the above stipulation, the third respondent, as the appellate authority, shall dispose of the appeal on merits, without reference to limitation, as expeditiously as possible.

5. This writ petition stands disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

29.08.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

1. Deputy Director

Employees State Insurance Corporation,

Panchadeep Bhawan,

ESIC Complex,

Salai Street,

Vannarapettai,

Tirunelveli - 627 003.

2. The Recovery Officer

Employees State Insurance Corporation,

Panchadeep Bhawan,

ESIC Complex,

Salai Street,

Vannarapettai,

Tirunelveli - 627 003.



W.P(MD)No.23763 of 2025

WEB COPY

3. Regional Director
Appellate Authority,
ESI Corporation,
Regional Office,
Panchadeep Bhawan,
143, Sterling Road,
Nungambakkam,
Chennai - 600 034.



WEB COPY



W.P(MD)No.23763 of 2025

C.SARAVANAN, J.

skn

Writ Petition(MD)No.23763 of 2025
and
W.M.P(MD)Nos.18659, 18660 & 18662 of 2025

29.08.2025