



W.P.(MD) No.30831 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.30831 of 2024

and

W.M.P.(MD) No.25912 of 2024

P.Krishnaveni

... Petitioner

Vs.

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

2.The Recovery Officer,
Employees State Insurance Corporation,
Sub-Regional Office (Tirunelveli),
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli-627 003.

3.The Branch Manager,
Canara Bank,
Sankar Nagar Branch,
236, Narayana Nagar,
Sankar Nagar, Tirunelveli-627 357.



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4. The Branch Manager,
Indian Overseas Bank,
81C-1, Madurai Main Road,
Sankarnagar, Tirunelveli-627 357.

5. The Superintending Engineer/Tirunelveli,
O/o. Superintending Engineer,
TANGEDCO, Anna Building,
Thiyagaraja Nagar, Tirunelveli-627 011.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in No.66000414480001001/RRC/SRO/TLI dated 12.11.2024 on the file of the Respondent No. 2 and quash the same.

For Petitioner	:	Mr.G.Karthik
For Respondents	:	Mr.C.Karthik – for RR1 & 2
	:	Mr.C.Deepak – for R3
	:	Mr.N.Dilip Kumar – for R4
	:	Mr.S.Deenadhayalan – for R5

ORDER

The Respondents No.1 and 2 filed counter affidavit and this Court heard the matter.



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2. On verification of the records, it is noticed that the orders passed against the petitioner under Section 45-A of the Employees' State Insurance Act, 1948 (hereinafter referred to as "the Act, 1948") are appealed against by the petitioner herein, but no orders are passed in the said appeals, thereby the orders passed under Section 45A are still in operation. In the circumstances, mere pendency of appeal would not prevent the respondents from proceeding further under Section 45G of the Act, 1948. Hence, the respondents issued further order dated 12.11.2024, which is impugned in this writ petition.

3. As the petitioner has already availed the remedy of appeal against the order passed under Section 45-A and no orders could be obtained in the said appeal, this Court does not see any reason to interfere with the order dated 12.11.2024, which is only a consequential order.

4. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly, dismissed. However, the petitioner is granted liberty to pursue the appeal said to have been filed against the orders passed under Section 45-A of the Act, 1948 before the appellate



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forum. As this Court has passed an interim order by order dated 19.12.2024, and the same is in operation as on date, the same shall continue for a further period of four weeks. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.04.2025

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

ABR



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Sub-Regional Office (Tirunelveli),
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- 3.The Superintending Engineer/Tirunelveli,
O/o.Superintending Engineer,
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MUMMINENI SUDHEER KUMAR, J.

ABR

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