



WEB COPY

W.A.No.5 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 5 of 2026
and
C.M.P.No.65 of 2026

Dr.B.M.S. Matriculation Higher Secondary School,
No.40, 1st Main Road, Shenoy Nagar,
Chennai – 600 030
Rep. by its Correspondent Dr.B.S.Tiruvadanana

...Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Regional Director,
Regional Office (Chennai),
Employees State Insurance Corporation,
Panchdeep Bhawan, No.143, Sterling Road,
Chennai – 600 034.
- 3.The Deputy Director,
Regional Office (Chennai),
Employees State Insurance Corporation,
Panchdeep Bhawan, No.143, Sterling Road,
Chennai – 600 034.
- 4.The Recovery Officer,
Regional Office (Chennai),
Employees State Insurance Corporation,
Panchdeep Bhawan, No.143, Sterling Road,
Chennai – 600 034.



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5. The Branch Manager,
Tamil Nadu State Cooperative Bank,
15.16, Ayyavu Street,
Shenoy Nagar,
Chennai – 600 030.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order made in W.P.No.27207 of 2022 dated 08.07.2025.

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Dr.S.Suriya, Addl. Govt. Pleader for R1

J U D G M E N T

(Judgment of the Court was delivered by C.KUMARAPPAN, J.)

The present Writ Appeal assails the order of the learned Single Judge made in W.P.No.27207 of 2022 dated 08.07.2025.

2. The main contention of the learned Senior Counsel appearing on behalf of the appellant is that according to Section 45A of the Employees' State Insurance Act (hereinafter referred to as "ESI Act") there should have been prior notice before passing order under Section 45. Whereas, in the case on hand, no such notice was issued. It is also further contended that there was stay by the High Court and without considering the limitation, which is provided under second proviso to Section 45A of the ESI Act, the present notice under Section 45A was issued beyond a period of five years. Hence

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would contend that the very 45A notice is liable to be interfered with. Whereas the learned Single Judge without considering the very intent of the provision has rejected the Writ Petition, hence, prayed to interfere with the same.

3. We have given anxious consideration to the contentions of the learned counsel on either side.

4. It is the well settled principle of law that whenever there is any grievance in respect of order under Section 45A of ESI Act, the appellate remedy is by way of Section 75 of the ESI Act. In the case on hand, the learned Single Judge considered these aspects and held that the petitioner is at liberty to file appeal before the ESI Court under section 75 and raise all objections.

5. We absolutely do not find any infirmity in the order of the learned Single Judge. Consequently, this Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.K., J.)
07.01.2026

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order
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