
(2026) 01 MAD CK 1831

In the Madras High Court, Madurai Bench

Case No : Writ Petition (MD) No. 1608 Of 2026, Writ Miscellaneous Petition (MD) No. 1288 Of 2026

Pudukkottai Co-Operative Press Ltd

APPELLANT

Vs

Deputy Director (ESI) And Others

RESPONDENT

Date of Decision : 23-01-2026

Acts Referred:

Employees' State Insurance Act, 1948 — Section 45A, 45G

Citation : (2026) 01 MAD CK 1831

Hon'ble Judges : K.Surender, J

Bench : Single Bench

Advocate : K.Vinoharan, C.Karthik, D.Shanmugaraja Sethupathi

Judgement

K.Surender, J

1. Mr.C.Karthik, learned Standing Counsel takes notice for the respondents 1 and 2. Mr.D.Shanmugaraja Sethupathi, learned Standing Counsel, takes notice for the third respondent.

2. The learned counsel for the petitioner submits that the garnishee order must be preceded by an order determining the contribution under Section 45A of the Employees' State Insurance Act, 1948 (hereinafter referred to as 'the ESI Act'). An order under Section 45A can only be passed after providing the employer with a reasonable opportunity to be heard. However, the second respondent has proceeded directly under Section 45G of the ESI Act without determining the contribution, which is in direct contravention of the provisions of the Act.

3. Per contra, the learned Standing Counsel appearing for the respondents 1, 2 and 4 submits that the outstanding amount was admitted by the petitioner and the employees' details were provided by them. Therefore, the question of invoking Section 45A of the ESI Act does not arise. However, no documents were filed to substantiate this claim.

4. Considering the facts and circumstances and in the interests of justice, this

Court finds it appropriate to grant an order of interim stay for a period of four weeks, subject to the petitioner depositing a sum of Rs.10,00,000/- with the second respondent on or before 27.01.2026. Failure to comply will result in the automatic vacation of the interim stay, without further reference to this Court. It is further clarified that the suspension of the garnishee order will take effect only upon the deposit of the aforementioned sum.

5. List the case on 13.02.2026.