

Court No. - 18

Case :- WRIT - C No. - 11602 of 2023

Petitioner :- M/S Mall Hospital And Health Care, Gorakhpur
Thru. Dr. Pankaj Mall

Respondent :- U.O.I. Thru. Secy. Govt. Of India Ministry Of
Labour And Deptt. Of Employment New Delhi And 3 Ors.

Counsel for Petitioner :- D.P. Dutt Tiwari, Chandra Mohan

Counsel for Respondent :- A.S.G.I., Shishir Pradhan

Hon'ble Shree Prakash Singh, J.

1. Sri Shishir Pradhan, counsel for opposite party nos. 2 and 3 is present.

2. Learned counsel appearing for the E.S.I.C. as well as Sri Ashwini Kumar Singh, as well as counsel for Union Of India submit has pointed out that there is alternative efficacious remedy of appeal, which has not been availed by the petitioner thus, this instant petition is liable to be dismissed on this ground alone.

3. Learned counsel appearing for the petitioner could not rebut the aforesaid facts.

4. In view of the aforesaid submissions, instant petition is hereby **disposed of** with liberty to the petitioner to approach the appellate authority, in accordance with law and it is open to the petitioner to avail the remedy of appeal with application for condonation of delay, if it is provided by the institute and after filing of such an application along with the appeal, the same shall be considered by the appellate authority concerned, in accordance with law, after affording opportunity of hearing to the parties concerned, if there is no legal impediment.

Order Date :- 22.12.2023

Mayank