

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2049/2026
CM No. 4448/2026

Date of Pronouncement : 10.07.2026
Uploaded on : 13.07.2026

M/S Karnail Singh

....Petitioner(s)/Appellant(s)

Through :- Mr. Harsh Dubey, Advocate vice
Mr. Vishal Sharma, Advocate
V/s

Employees State Insurance Corporation
and others

....Respondent(s)

Through :- Mr. Harshwardhan Gupta, Advocate for R-1 to 3
(Through VC)
Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC for R-4 & 5

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER (ORAL)

1. Heard learned counsel for the parties at length and perused the record.
2. Issue notice, which is waived by Mr. Harshwardhan Gupta, learned counsel on behalf of respondent Nos. 1 to 3 and Mr. Karan Sharma, learned CGSC on behalf of respondent Nos. 4 and 5.
3. Mr. Vishal Sharma, learned DSGI appearing on behalf of respondent Nos. 4 and 5 has produced a copy of the Notification dated 31.12.2021 issued by the Secretary to Government, Department of Law, Justice and Parliamentary Affairs, whereby in terms of S.O. 444, in exercise of powers conferred under section 74 of the Employees State Insurance Act, 1948 the Government of Jammu and Kashmir has been pleased to direct that the Chief Judicial Magistrates/Civil Judges (Sr. Division) of each District shall be the Employees Insurance Courts for exercising jurisdiction within their respective District for the purposes of the said Act. The aforesaid Notification dated 31.12.2021 is taken on record.

4. Mr. Vishal Sharma, learned DSGI and Mr. Harshwardhan Gupta, learned counsel appearing on behalf of the respondents submit that the issue which has been projected in the instant matter is covered by Section 74 of the aforesaid Act and thus, in terms of the aforesaid S.O. 444, the petitioner has a remedy available to appear before the competent court and without availing the alternate and efficacious remedy the instant petition has been filed, which according to the learned counsel appearing on behalf of the respondents is not maintainable.

5. When confronted with the objections raised by learned counsel for the respondents, learned counsel for the petitioner seeks withdrawal of the instant petition with liberty to seek appropriate remedy as available under law within a period of one week from today.

6. Accordingly, the writ petition is **dismissed** as withdrawn with the liberty as prayed for.

7. Since learned counsel for the petitioner now intends to seek the appropriate remedy as available under law within a period of one week from today, the impugned notice and the recovery proceedings shall remain stayed till the petitioner avails the aforesaid remedy within one week from today. It is made clear that the interim protection is granted by this Court only during the intervening period when the petitioner is contemplating to seek the remedy available under law and continuance of the same shall be subject to the further orders which are likely to be passed by the competent court in terms of S.O. 444.

(Wasim Sadiq Nargal)
Judge

Jammu:
10.07.2026
Pawan Angotra

Whether the order is speaking? : Yes/No

Whether the order is reportable? : Yes/No