

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.11204 of 2015

BETWEEN

Moghal Educational Society.

... PETITIONER

AND

The Employees' State Insurance Corporation, Rep. by its Deputy Director, Hill Fort Road,
Adarsh Nagar, Hyderabad.

...RESPONDENT

Counsel for the Petitioner: MR. L.J. VEERA REDDY

Counsel for the Respondent: MR. P. RAJASEKHAR

The Court made the following:

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ORDER:

Petitioner questions the order passed by the Deputy Director of Employees State Insurance Corporation under Section 45 of the Employees State Insurance Act (for short 'the Act') dated 27.03.2015 wherein the contributions payable by the petitioner to the corporation were determined for the period 01.04.2010 to 28.02.2013. The said order was passed after giving opportunity to the petitioner to submit explanation.

2. Petitioner has questioned the said order by the present writ petition, primarily, on the ground that the petitioner education institution is not covered by the Act and as such, the demand is unjustified. It is, however, noteworthy that the said order is clearly appealable under Section 45-AA of the Act and as such, bypassing the said appellate remedy and entertaining the present writ petition is not called for, particularly, as the petitioner can have adjudication of his claim before the appellate authority. There is, therefore, no reason to entertain the writ petition.

The writ petition is disposed of with liberty to the petitioner to avail the said appellate remedy by approaching the competent authority. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 3, 2015

DSK