

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.5297 OF 2016

ORDER:

Heard learned counsel for the petitioner and Sri B.G. Ravinder Reddy, learned Standing Counsel for respondents 2 and 3.

The petitioner questions the order, dated 08.01.2016, passed by the Deputy Director, Employees State Insurance Corporation, Hill Fort Road, Hyderabad, the 2nd respondent, under Section 45-A of the Employees State Insurance Act, 1948 (for short, 'the Act'). However, it is not in dispute that the said order is appealable under Section 45-AA of the Act and in fact the petitioner had already preferred an appeal earlier against a demand made for the previous period. The said issue is now stated to be pending consideration before the Employees Insurance Court (EIC), Hyderabad, in E.I.C.No.18 of 2014.

Learned counsel for the petitioner submits that the primary issues regarding number of employees of the petitioner and its coverage under the Act are the subject matters of the said E.I.C.No.18 of 2014 and as the E.I.C. Court seized of the said issue, the decision of the Court would govern all the subsequent proceedings including the impugned order.

In the light of the availability of efficacious alternative remedy with the petitioner under Section 45-AA of the Act, I do not see any reason to entertain the Writ Petition and it must avail the said remedy by raising all grounds available to it. It is true that the issue of coverage of the petitioner is the subject matter of E.I.C.No.18 of 2014, referred to above, and if the said issue is decided that would

automatically settle the claims made by the E.S.I. Corporation for the subsequent periods including the impugned order.

Hence, in my view, it is appropriate to request the E.I.C. Court to fix an early date for hearing and deciding E.I.C.No.18 of 2014, expeditiously, preferably within a period of six months from the date of receipt of a copy of this order. So far as the impugned order is concerned, the petitioner is at liberty to prefer an appeal before the appropriate authority in accordance with law.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

Date:18.02.2016

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