

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17326 OF 2016

ORDER :

This writ petition is filed against the proceedings dated 30.12.2014 issued by the 2nd respondent under Section 45-A of the Employees State Insurance Act, 1948 (for short 'the Act').

Sri B.G.Ravinder Reddy, learned Standing counsel for the 2nd respondent and the learned Assistant Government Pleader for Labour submit that an appeal lies under Section 45-AA of the Act against the order dated 30.12.2014 issued by the 2nd respondent. The learned counsel for the petitioners did not dispute the said submission but however, states that the 2nd respondent has not considered the evidence produced by the petitioner and that even before the expiry of the appeal period, the respondents are trying to recover the amount from the petitioner.

In view of the availability of the statutory remedy of appeal under Section 45-AA of the Act, it is open for the petitioner to prefer such an appeal within a period of two (2) weeks from today. Till then, there shall be stay of recovery. If the petitioner fails to file an appeal and obtain necessary orders within the aforesaid period, the respondent authorities are at liberty to proceed further and recover the necessary amounts.

Subject to the above, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.06.2016

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