

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6906 of 2016

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The Principal Sarsawati Vidya Mandir, Mithapur, Patna through Ashutosh Kumar Singh @ A.K. Singh Son of Ram Badan Singh resident of Mohalla - Kumhrar Transport Nagar, P.S. Agam Kuan, District - Patna.

.... Petitioner

Versus

1. The Director, Employees State Insurance Corporation, Regional Office, Patna.
2. The Joint Director, Employees State Insurance Corporation Regional Office, Patna.
3. The Deputy Director, Employees State Insurance Corporation Regional Office, Patna.
4. The Assistant Director, Employees State Insurance Corporation Regional Office, Patna.
5. The Recovery Officer, Employees State Insurance Corporation Regional Office, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Respondent/s : Dr. Anshuman, Advocate

Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-03-2017

In the present writ application, the grievance of the petitioner is against the order dated 27.11.2014 passed by the Deputy Director Employees State Insurance Corporation Regional Office, Patna under Section 45-A of the Employees' State Insurance Act, 1948 (for short 'ESI Act') whereby the petitioner



has been directed to pay wages with regard to 15 employees and a demand of Rs.1,64,481/- has been raised. The petitioner has also challenged the order dated 27.11.2014 which is another order passed under Section 45-A of ESI Act whereby a demand of Rs.1,64,481/- has been assessed against the petitioner for 15 employees. The petitioner has also challenged letter dated 19.06.2015 whereby Recovery Officer has directed the petitioner to pay the amount of Rs.1,64,481/- as contribution payable with regard to 15 employees along with 12 per cent interest which becomes Rs.2,09,595/-

At the outset, a preliminary objection has been raised by the learned counsel for the respondents that the orders impugned are appealable in nature and the petitioner has approached this Court under the writ jurisdiction without availing the statutory remedy available under the ESI Act.

Regard being had to the availability of an equally efficacious alternative statutory remedy to the petitioner, I am not inclined to entertain the present writ application.

Accordingly, the writ application is disposed of with liberty to the petitioner to file statutory appeal under Section 45-AA of the ESI Act before the statutory authority. In case such an appeal is filed, the statutory authority would be obliged to decide the



appeal on merits after condoning the delay in filing the appeal.

With the aforesaid observation and direction, the writ application is disposed of.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04 .03.2017
Transmission Date	NA

