

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5540 of 2016

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Brajesh Kumar Tiwary son of Sri Birendra Nath Tiwary, resident of village-
Karansarai, P.O.- Karansarai, District- Buxar, proprietor of M/S Laxmi
Construction C/o Ram Dular Singh, South Tarkeshwar Path, Deopari Bhawan,
Chiraiyatand, Kankarbagh, P.S.- Kankarbagh, Patna 20

.... Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Labour and
Employment , Government of India, New Delhi.
2. The Regional Director, Employees State Insurance Corporation, Panchdeep
Bhawan, Jawaharlal Nehru Marg Patna -1
3. The Deputy Collector, Employees State Insurance Corporation, Panchdeep
Bhawan, Jawaharlal Nehru Marg, Patna-1
4. The Assistant Director, Employees State Insurance Corporation, Panchdeep
Bhawan, Jawaharlal Nehru, Marg, Patna- 1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra, Advocate
: Mr. Raghawendra Kumar Mishra, Advocate
For the U.O.I. : Mr. Abhay Shankar Jha, C.G.C.
For the E.S.I.C. : Mr. Dr.Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-04-2017

This application has been filed challenging the order dated
14.01.2016 passed by the Deputy Director of Employees' State
Insurance Corporation under Section 45 of the Employees' State
Insurance Act, 1948 (for short 'the ESI Act') whereby the petitioner
has been ordered to pay Rs.2,03,775/- as arrears of contribution
payable by the employer.

2. The order impugned order is annexed as Anneure-3 to
the present writ application. In the last paragraph of the order it is



clearly mentioned that if an employer is not satisfied with the order he may prefer an appeal to the appellate authority under Section 45-AA of the ESI Act as provided by regulation within sixty days of the date of such order after depositing 25% of the contribution so ordered or the contribution as per his own calculation whichever is higher with the Corporation.

3. Though the aforesaid order was passed on 14th January, 2016, it is admitted by the learned counsel for the petitioner that no statutory appeal has been filed by the petitioner challenging the same.

In view of the availability of equally efficacious statutory remedy to the petitioner, I am not inclined to entertain the present application under the extraordinary writ jurisdiction. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.04.2017
Transmission Date	

