

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.4948 of 2008**

1. Sarpanch, Village Panchayat – Saroli, Tahsil Manpur, Police Station Mohala, District Rajnandgaon (CG)
2. Secretary, Village Panchayat – Saroli, Tahsil-Manpur, Police Station Mohala, District Rajnandgaon (CG)

---- Petitioners

Versus

1. Commissioner For Workmen's Compensation, Labour Court Rajnandgaon, Distt.-Rajnandgaon (CG)
2. Mahesh Patel S/o Ramhurar Caste-Marar, Aged about 45 years,
3. Ku. Lokeshwari D/o Mahesh Patel, Caste-Marar, Aged about 18 years,
4. Gopi Gajraj S/o. Mahesh Patel, Caste-Marar, Aged about 16 years,
5. Ku.Bharti, D/o Mahesh Patel, Caste-Marar, Aged about 16 years,

Respondent No.4 & 5 Through their Natural guardian/respondent No.2 Father Mahesh Patel. Respondents No.2 to 5 R/o.- Village Saroli, Village Panchayat Saroli, Post-Dokala, Police Station-Mohala, Tehsil-Manpur, District Rajnandgaon (CG)

6. Chief Executive Officer, Janpad Panchayat Manpur, Tehsil-Manpur, District Rajnandgaon (CG)
7. Chief Executive Officer District Panchayat, Rajnandgaon, District Rajnandgaon (CG)
8. State of Chhattisgarh Through the Collector Rajnandgaon, District Rajnandgaon (CG)

---- Respondents

For Petitioners	:	Mr.Anoop Mazumdar, Advocate
For Res. 2 to 5	:	Mr. Vishnu Koshta and Shobhit Koshta, Advocate
For State	:	Mr.Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**31/7/2017

1. Learned counsel appearing for respondents No.2 to 5 would submit that the impugned order passed by the Commissioner, Workmen's Compensation is appealable under Section 30 of the Employees Compensation Act, 1923 (hereinafter called as 'Act of 1923'), therefore, the instant writ petition as framed and filed is not

maintainable and just to avoid mandatory deposit, this writ petition has been filed.

2. Learned counsel for the petitioners would submit that alternative remedy is not a bar to file the instant writ petition, therefore, the writ petition has rightly been entertained by this Court against the order of the Commissioner, Workmen's Compensation. He would rely upon upon the judgment of the Supreme Court in the matter of **J.M. Baxi and Co., Gujarat Vs. Commissioner of Customs, New Kandla and another**¹.
3. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
4. Since an efficacious alternative remedy of appeal is available to the petitioners under Section 30 of the Act of 1923 against the order of the Commissioner, Workmen's Compensation, this Court is not inclined to entertain the instant writ petition. Accordingly, it is dismissed. Certified copy of the impugned order be returned to counsel for the petitioners after furnishing attested copy of the same. However, this will not bar the petitioners to file an appeal before the Appellate Authority under the Act of 1923. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-