

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3500 of 2009

- =====
1. Tilka Manjhi Bhagalpur University, through its Registrar, Bhagalpur
 2. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
- Petitioners

Versus

1. The State of Bihar through Secretary, Department of Labour Employment and Training, Patna.
2. The Regional Director, Employee State Insurance Corporation, Jawahar Lal Nehru Marg, Patna.
3. Revenue Recovery Officer, Employee's State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-1.
4. Deputy Director Employee's Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-1.
5. Deputy Director Recovery, Employees State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-1.
6. The Assistant Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-1.
7. The Union of India through Secretary, Department of Labour and Social Welfare, New Delhi.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ashhar Mustaffa, Advocate
Mr. Ashish Kumar Ranjan, Advocate
For the Respondent-State: Mr. Anil Kumar Singh, AC to SC-21
For the Union of India : Mr. Ravindra Kumar Sharma, CGC

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-10-2018

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Employees State Insurance Corporation (for short 'corporation').

2. This writ petition has been filed for quashing the order dated 04.07.2005 issued by the Recovery Officer, Patna for recovery of contribution and interest payable to the Corporation as



well as for quashing the demand notice dated 07.09.2005 and 23.07.2008.

3. In my considered opinion, the writ petition is totally misconceived. The petitioners have got statutory remedy for the redressal of their grievances under Section 75 of the Employees State Insurance Act, 1948 (for short ‘the Act’).

4. The order passed under Section 75 of the Act is appealable before this Court under Section 82 of the Act.

5. It would be pertinent to note that Section 78 of the Act, empowers the Employees Insurance court as like that of a civil court to decide all disputes whose lists are specified in section 75 of the Act.

6. In view of the discussions made above, as the High Court is appellate court against any order passed under Section 75 of the Act, the writ petition is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

