

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.4969, 613 & 640 of 2018

COMMON ORDER:

In these three matters challenge is to the orders passed by the primary authority under Section 45 of the Employees' State Insurance Act, 1948.

When these matters are taken up, a preliminary objection, as to the maintainability of the Writ Petitions, is taken by the learned Standing Counsel that, under Section 75 of the Act, there is an alternative remedy provided to the petitioners against the impugned orders. In fact, the learned Standing Counsel placed on record an order passed by this Court in W.P.No.18948 of 2014 & batch, dated 04.01.2018, wherein this Court disposed of the said Writ Petitions. The operative portion of the said order reads as under:

“ Hence, the writ petitions are disposed as follows:

- (a) the petitioner is given liberty to file appeals against determination of ESI contribution, interest, damages etc., before the Employees' Insurance Court within four weeks from today by enclosing a copy of this order;*
- (b) the appeals if are filed within the time granted by this Court, the Employees' Insurance Court considers, if the appeals are otherwise in order, to hear the appeals on merits and positively dispose of the appeals within 8 (eight) weeks from the date of filing the appeals; and*

(c) the interim order granted by this Court is directed to be continued for a period of three months from today. There shall be no order as to costs. Miscellaneous petitions, if any, pending stand closed".

In view of the above said common order passed by this Court, these Writ Petitions are also disposed of, permitting the petitioners herein to file statutory appeals under the above said provision of law, within a period of eight weeks from today, and, if any such appeals are filed, within the time stipulated above, the same be considered and appropriate orders be passed, strictly in accordance with law. For a period of ten weeks from today no coercive action, pursuant to the impugned order, shall be taken by the respondents.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI,J

12th February, 2018
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