

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4404 OF 2018

ORDER:

In the present writ petition, challenge is to the order, dated 13.12.2017, in E.C.No.16 of 2008 (F) passed by the Commissioner for Employees' Compensation and Assistant Commissioner of Labour, Khammam, respondent No.1 herein, awarding compensation in favour of the unofficial respondents herein.

2. When the matter is taken up, a preliminary objection as to the maintainability of the writ petition is taken by the learned Government Pleader for Labour (TG) appearing for respondent No.1 by stating that the order impugned is appealable under Section 30 of the Employees' Compensation Act, 1923 and without availing the said remedy, the present writ petition is filed.

3. According to Section 30 of the said Act, an order awarding compensation is appealable. In view of the said alternative remedy available to the petitioner herein, this Court is not inclined to entertain the present writ petition.

4. Accordingly, the Writ Petition is dismissed. However, it is open for the petitioner herein to avail the remedies available to him under the statute. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 12.02.2018
AMD

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