

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

WRIT PETITION No.44733 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents, apart from perusing the entire material available on record.

The notice, dated 12.11.2018, issued by the respondent-authorities, under Section 45 (c) to (i) of the Employees State Insurance Corporation Act, 1948 (for brevity, 'the Act'), is under challenge in the present Writ Petition.

It is clear from the material available on record that, prior to the above notice, a notice, under Section 45 (a) of the Act, was also issued to the petitioner herein, calling upon him to submit explanation. It is not clear from the affidavit, filed in support of the Writ Petition, that as to when the petitioner received the same. In the accompanying affidavit, it is stated that the staff of the petitioner herein did not bring the same to the notice of the petitioner and simply kept the same in the office. It is further stated that now, only by way of a demand notice, after search, they found the previous communications. Since the notice, impugned in the present Writ Petition, is only a consequential notice, issued under Section 45 (c) to (i) of the Act, to the proceedings under Section 45 (a) of the Act, which are appealable, this Court is not inclined to entertain the Writ Petition.

Accordingly, Writ Petition is dismissed. However, with a liberty to the petitioner herein to avail the alternative remedies available in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, shall stand closed.

A.V. SESA SAI, J

11th December, 2018
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