

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15367 of 2022

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Yuva Chetna Kendra Katihar (Bihar) through its Secretary, Raghu Nath Yadav, Male, aged near about 55 years old, son of Late Lobin Yadav, Resident of Satya Sang Mandir, P.O. and P.S. and District- Katihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Govt. of India, New Delhi.
2. The Regional Director, Employees State Insurance Corporation, Bihar, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001.
3. The Regional Assistant Director, Employees State Insurance Corporation of Bihar, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiv Shankar Prasad Yadav, Advocate
For the ESI	:	Mr. Bindhyachal Rai, Advocate
For the UOI	:	Mr. Praveen Kumar Sinha, Sr. Panel Counsel
		Mr. Rakesh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 07-12-2022 Heard learned counsels for the respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

"For quashing the office order dated 29.07.2022 whereby and whereunder he has been imposed the amount of Rs. 3,41,303/- (Three Lakh Forty One Thousand Three Hundred and Three only) as a contribution to be paid to the respondents i.e. arbitrary and illegal in nature vide the office order dated 29.07.2022 as an annexure to this application."

The petitioner has statutory remedy of appeal under the Employees State Insurance Act, 1948. Without exhausting



the statutory remedy of appeal writ petition cannot be entertained in the light of Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

Accordingly, the present petition stands disposed off as premature reserving liberty to the petitioner to approach or invoke statutory remedy before the appropriate forum. The ap-



propriate forum or the authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 read with Hon'ble Apex Court decision in the case of **Tech Sharp Engineers Pvt. Ltd. vs. Sanghvi Movers Limited** reported in **2022 SCC On-line SC 1249** that the limitation would not come in the way of appeal or application before the various authorities and such authority is directed to entertain litigation ignoring the limitation.

(P. B. Bajanthri, J)

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