

June 24, 2022
ARDR
(394)

WPA 6906 of 2022

Bagnan Uluberia Janshikshan Sanathan
Vs.
Union of India & Ors.

Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari,
Ms. Tarunika Pal,
...for the petitioner.
Mr. Soumitra Banerjee,
...for the respondent nos. 2 and 3.

Affidavit of service filed by the petitioner is taken on record.

The petitioner is aggrieved by the order passed under Section 45A of the Employees' State Insurance Corporation Act, 1948.

It is submitted on behalf of the petitioner that as the petitioner was governed by the Jan Shikshan Sanathan Scheme of Ministry of Human Resource Development till 2017 and is functioning under the guidelines framed by the Ministry of Skill Development and Entrepreneurship, Government of India since 2018, the order impugned demanding contribution from the petitioner for the period January, 2017 to July, 2021 could not have been passed.

It is submitted on behalf of the respondent authorities that the order impugned is appellable under Section 45AA of the Employees' State Insurance Corporation Act, 1948 and the writ petition is not maintainable on that score.

Section 45AA of the Act of 1948 demonstrates that if the employer is not satisfied with the order under Section 45A of the Act, he may prefer an appeal before the appellate authority as may be provided by the regulation, within sixty days of the date of such order after depositing twenty-five per cent of the contribution so ordered or contribution as per his calculation, whichever is higher, with the corporation.

In view of the above, there being a provision for appeal against the order passed under Section 45A of the Act of 1948, the writ petition is not maintainable.

According, the writ petition being WPA 6906 of 2022 is dismissed on the maintainability point.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)