



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 3731 of 2020

(M/s. Tirupati Constructions, through its Proprietor Sanjay Govindrao Chaware...Versus... The Employees State Insurance Corporation Office and others)
and

Writ Petition (WP) No. 194 of 2022

(Maharashtra Ex-servicement Corporation through its head office at Raigad opposite National war memorial, through its Managing Director and another...Versus... The Employees State Insurance Corporation Office and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Ghate, advocate for petitioner in WP No. 3731/2020.

Mr. D.P. Bhongade, advocate for petitioners in WP No.
194/2022.

Mrs. B.P. Maldhure, advocate for respondents in both petitions.

CORAM : ANIL S. KILOR, J.

DATED : 7th OCTOBER, 2023.

At the outset Mrs. B.P. Maldhure, learned counsel for respondents raises an objection to the tenability of the present writ petition in view of the alternate remedy available to the petitioners under Section 75 of the Employees State Insurance Act, 1948.

2. Mr. S.S. Ghate, learned counsel for the petitioners, therefore, prays for withdrawal of the present writ petition. However, it is further prayed that

the interim protection granted by this Court shall continue for another four weeks to enable the petitioners to approach the Labour Court. Accordingly, the petitioners are permitted to withdraw the present writ petition with liberty as prayed for.

3. The interim protection granted by this Court shall operate for another four weeks. All the points are kept open. It is made clear that in case the application is filed, the Labour Court may consider the time exhausted in persuasion of the present writ petition while deciding issue of limitation.

[ANIL S. KILOR, J.]