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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12311-2024

Date of Decision: 19.09.2024

**M/S FOOD AND ALLIED LOADING UNLOADING MAZDOOR
UNION BARNALA** Petitioner

Versus

UNION OF INDIA AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sanjeev Kumar, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of warrant of arrest dated 26.03.2024 (Annexure P-5).

2. The petitioner is a workers union which is part and parcel of M/s Food & Allied Loading Unloading Mazdoor Union, Barnala registered at New Delhi. The Office of Employees State Insurance Corporation determined liability of Rs.33,44,554/- against the petitioner. The Competent Authority issued notice dated 14.11.2023 calling upon the officials of the petitioner to appear with respect to statutory dues pending against it. The petitioner opted not to appear before the respondent-authority. The respondent has issued warrant of arrest dated 26.03.2024 (Annexure P-5) on account of non-payment of dues under Employment State Insurance Act, 1948.

3. On being asked, learned counsel for the petitioner concedes



that petitioner has not preferred appeal against assessment order. He submits that petitioner has not received assessment order and an application under RTI Act was filed. The respondent did not supply copy of order even pursuant to application under RTI, thus, appeal under RTI Act has been filed before Appellate Authority.

4. The petitioner has neither placed on record assessment order nor filed appeal. The assessment order is concededly an appealable order. The petitioner is claiming that appeal cannot be filed because there is requirement of making pre- deposit of 75% of the amount. This cannot be ground to entertain the present petition.

4. Dismissed with liberty to petitioner to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

19.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>