

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.685 of 2019

In

Civil Writ Jurisdiction Case No.8488 of 2019

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M/s, Frontline (NCR) Business Solutions Private Limited, 301, 3rd Floor,
Patna Super Market, Fraser Road, Patna- 800001 through its General
Manager, Rakesh Kumar Singh, Son of Sri Gautam Singh, Resident of
Defence Colony, Shahpur, Danapur Cantt., Patna- 801502.

... .. Appellant.

Versus

1. Anita Devi, Wife of Late Arvind Kumar Jha, Resident of Village-Rahul Nagar, P.O. and P.S.- Sultanganj, District- Bhagalpur.
2. United India Insurance Company Limited, Regional Office at Chanakya Tower, 3rd Floor, Birchand Patel Marg, 'R' Block, Patna- 800001 and Branch Office at 220, New Dak Bunglow Road, Patna- 800001.
3. The Presiding Officer, Labour Court, Bhagalpur.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Madhav Krishna, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-02-2025

Appellant has assailed the order of the learned Single Judge dated 19.04.2019 passed in C.W.J.C. No.8488 of 2019. It is a short order and it reads as under:

“Heard learned counsel for the parties.

In the present case, the petitioner is challenging the order dated 26.11.2018 passed by the Presiding Officer, Labour Court, Bhagalpur in W.C. Case No.4 of 2014, whereby and whereunder, the Labour



Court has awarded the compensation of Rs.4,72,443/- and if the amount is not paid to the Complainant within a period of thirty days, it will carry 12% simple interest on the principal amount of Rs.2,03,771/-.

Under Section 30 of the Employee's Compensation Act, 1923, there is a provision for appeal and it appears that instead of exhausting the alternative remedy of appeal, the present writ application has been filed directly before this Court.

In that view of the matter, this writ application is not maintainable.

Accordingly, the present writ application is dismissed with a liberty to the petitioner, if so advised, may file an appeal as provided under Section 30 of the Employee's Compensation Act, 1923."

2. The appellant has not exhausted the statutory remedy of appeal under Section 30 of the Employee's Compensation Act, 1923.

3. Alternative remedy of appeal could be ignored only if there is any violation of principles of natural justice and violation of any statutory provision. On the other hand, appellant has not urged the aforementioned contentions.

4. It is submitted that United India Insurance



Company Limited is liable for payment to the 1st respondent-Anita Devi, wife of Late Arvind Kumar Jha. On the other hand, Presiding Officer, Labour Court, Bhagalpur, fastened the liability on the appellant. If the Presiding Officer, Labour Court, Bhagalpur, has committed error in fastening the liability on the appellant-M/s, Frontline (NCR) Business Solutions Private Limited, they have a statutory remedy of appeal before the Appellate Authority.

5. The aforementioned issue is relating to disputed as to whether United India Insurance Company Limited has to pay the compensation to the 1st respondent-Anita Devi, wife of Late Arvind Kumar Jha or appellant-M/s, Frontline (NCR) Business Solutions Private Limited. This cannot be adjudicated in the writ petition and consequently the present L.P.A. without exhausting statutory remedy of appeal under Section 30 of the Employee's Compensation Act, 1923.

6. Accordingly, the appellant has not made out a case. Hence, the present L.P.A. No.685 of 2019 stands dismissed reserving liberty to the appellant to invoke remedy of appeal before the competent forum under Section 30 of the Employee's Compensation Act, 1923. If such appeal is filed, the concerned Appellate Authority is directed to take note of and examine,



delay in filing may be ignored insofar as time spent before this Court in both CWJC and LPA and decide the appellant’s appeal within a reasonable period of three months from the date of receipt of this order read with Appeal to be filed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2025.
Transmission Date	NA

