

16.05.2025
Ct. No. 30
S.L. No.15
SM

WPA 9813 of 2025
Manas Sen
Vs.
Assistant Director of Employees State Insurance
Corporation, Sub-Regional Office & Anr.

Mr. Suvadip Bhattacharjee
.....for the petitioner

Mr. Shiv Shankar Banerjee
Mr. Abhishek Chakraborty
.....for the respondents

The writ application has been preferred challenging the notices being No. 74/C/SRO-DGP/REV- 1/ 74000657210000603/6651/13350 dated 22.01.2025/30-1-25, being 74000657210000603/CP/333612/RRC/24/25/1840 /14285 dated 6th February, 2025 and being No. 74000657210000603/CP/333612/RRC/24-25/1841/21 dated 6th February, 2025, which is a notice of demand issued by the recovery officer to the petitioner herein.

The proceedings are under Section 45A of the ESI Act and thus appealable under the Act.

The petitioner initially agitated the point that he was not given a hearing by the authorities and as such has been prejudiced.

The learned counsel appearing for the ESI authority has filed documents to substantiate the fact that the petitioner was duly served on several occasions but failed to appear and the recovery officer has issued the notice on the basis of an order passed under Section 45A of the ESI Act 1948 dated 04.09.2024. The order under Section 45A of the ESI Act passed by the Assistant Director of the ESI Corporation has not been appealed against. The order is appealable under Section 45AA of the Act.

The petitioner without approaching the forum has approached the High Court. There being an alternative remedy such matters should not be encouraged.

The writ application is accordingly disposed of with the liberty granted to the petitioner to prefer an appeal under Section 45AA of the ESI Act within the statutory period of appeal.

The period of limitation shall be counted from the date of this order.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]