



CWP-17807-2022

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

(122)

CWP-17807-2022

Date of Decision : 15.12.2025

Three Members Committee, Ahmedgarh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Adarsh Malik, Advocate
for respondents No.2 and 3-ESIC.

KULDEEP TIWARI, J.(ORAL)

1. This Court, vide order dated 09.12.2025, had passed the hereinafter extracted order, upon the instant writ petition :-

“There is no representation on behalf of the petitioner, today in court.

Learned counsel for respondents no.2 and 3-ESIC, submits that the Award, as impugned through the instant petition, is appealable under the provisions of Section 75 of the Employees’ State Insurance Act, 1948.

Adjourned to 15.12.2025, for arguments.

To be shown in the urgent list.

It is made clear that no further request for an adjournment shall be entertained on the next date of hearing, on behalf of either of the parties.”

2. Learned counsel for the petitioner fairly submits before this Court that the impugned order dated 13/21.08.2020 (Annexure P-4), is appealable, before the learned Appellate Authority concerned. However, he submits that



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the instant writ petition has been filed, on the ground, that the petitioner is not at all covered under the provisions of the Employee's State Insurance Act, 1948.

3. This Court finds that the submission made by the learned counsel for the petitioner, is untenable for this Court, to maintain the instant writ petition, specifically, when the issue involved in the instant writ petition, can very well be adjudicated by the learned Appellate Authority concerned. Therefore, the petitioner is relegated to the learned Appellate Authority concerned, for redressal of its grievance, as sought through the instant writ petition.

4. In case, the petitioner, within a period of four weeks, from the date of passing of this order, files a statutory appeal, with an application for condonation of delay, before the learned Appellate Authority concerned, the latter shall consider the same sympathetically, specifically, in view of the fact that the petitioner has *bona fide* filed the instant writ petition, before this Court.

5. Further, a specific *mandamus* is passed upon the respondent No.2, not to take any coercive action for getting the impugned order complied with till an appropriate decision is taken by the learned Appellate Authority concerned, on the statutory appeal.

6. It goes without saying that the above said direction would come into operation only in the eventuality, in case, the petitioner prefers the statutory appeal, within a period of four weeks, from today.

7. With the aforesaid direction, the instant writ petition is **disposed of.**

(KULDEEP TIWARI)
JUDGE

December 15, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No