APHC010575672026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 31926 OF 2026

Between:

1. Andhra Pradesh Corporation For Outsourced Services,, NTR Administrative Block, 2nd Floor, T.N.Bus Stand, Vijayawada, Krishna District, A.P. Rep. by its Managing Director.

...PETITIONER

AND

1. Union of India, , Ministry of Labour and Employment, (Employees State Insurance Corporation) Mansing Road, Nirman Bhavan, Chanikyapuri, New Delhi - 110 011. Rep. by its Secretary.

2. Employees State Insurance Corporation, Ministry of Labour and Employment, Government of India, Panchdeep Bhavan, Comrade Indrajeet Gupta Marg, New Delhi - 110 002. Rep. by its Director of General.

3. Employees State Insurance Corporation, Ministry of Labour and Employment, Government of India, Regional Office, ESI Road, Gunadala, Vijayawada, A.P - 520 004, Rep. by its Regional Director

4. The Joint Director, SRO-Visakapatnam, D.No.45-57-21/1 1st and 2nd floors, RR House, Narasimha Nagar, Akkayyapalem, Visakhapatnam-530024.

...RESPONDENTs

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of certiorari or any other appropriate writ or direction calling for the records relating to the orders of the 4th respondent corporation passed in Order No. 70620410840021001/93020261034, dt.30.09.2026 (received on 15.10.2026) for levy of Damages amounting to Rs.94,785/- for the wage periods from 01.08.2022 to 31.05.2026 as illegal, arbitrary and quash the same and pass such

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance to the notice of the 4th respondent corporation passed in Order No. 70620410840021001/93020261034, dt.30.09.2026 (received on 15.10.2026) pending disposal of the writ petition and pass such

Counsel for the Petitioner: K BHEEMA RAO

Counsel for the Respondents: V CH NAIDU

Counsel for the Respondents:

The Court made the following order:

Challenging the order dated 30.09.2026 passed by respondent No.4, whereby damages to the tune of Rs.94,785/- have been levied against the petitioner in respect of the wage periods from 01.08.2022 to 31.05.2026, the present Writ Petition has been filed.

2. Heard Sri K. Bheema Rao, learned counsel for the petitioner and Sri V. Ch. Naidu, learned Standing Counsel appearing for respondent Nos.2 to 4–Employees' State Insurance Corporation (ESIC).

3. Learned standing counsel appearing for respondent Nos.2 to 4 raised a preliminary objection regarding the maintainability of the Writ Petition on the ground that an appeal against the impugned order is available wherein the petitioner has to file appeal before the Employees' Insurance Court under Section 75 of the Employees' State Insurance Act, 1948 (For short ‘the Act'). He further submitted that the matter involves disputed questions of fact and examination of voluminous records, which cannot be adjudicated in exercise of its jurisdiction under Article 226 of the Constitution of India. He placed reliance on the order passed by a Coordinate Bench of this Court in W.P No.6250 of 2023, wherein the petitioner therein was relegated to avail the statutory remedy.

4. Per contra, learned counsel for the petitioner submitted that, subsequent to the bifurcation of the erstwhile State of Andhra Pradesh, no Employees'

Insurance Court has been constituted in the State of Andhra Pradesh in terms of Section 74 of the Act. Therefore, the petitioner has no effective forum before which the statutory remedy under Section 75 of the Act can be availed, as such, the present Writ Petition is maintainable.

5. In reply, learned standing counsel submitted that, *vide* G.O.Ms.No.111, dated 17.01.1956, the Government had constituted/designated certain Courts as Employees' Insurance Courts for the areas specified therein. He further submitted that the Subordinate Judge's Court, Vijayawada, is one of the Courts entrusted with such jurisdiction, apart from certain other Subordinate Courts. In support of the said submission, he placed on record the list of implemented centres for which E.I Courts have been constituted.

6. In response, learned counsel for the petitioner submitted that the aforesaid Government Order pertains to the year 1956 and that, subsequently, a common Employees' Insurance Court had been established for the erstwhile State. He further contended that, after the bifurcation of the State, appropriate steps ought to have been taken for constituting/designating the competent Employees' Insurance Courts in the State of Andhra Pradesh in accordance with Section 74 of the Act. Hence, the respondents cannot rely upon the Government Order of the year 1956 to contend that an effective statutory forum is presently available to the petitioner.

7. Perused the material available on record and considered the submissions made by the learned counsel for the respective parties.

8. There is some force in the contention advanced by learned counsel for the petitioner with regard to the constitution and availability of an Employees' Insurance Court in the State of Andhra Pradesh after bifurcation. However, the list of implemented centers placed on record by the learned Standing Counsel indicates that certain Subordinate Courts have been designated/entrusted with the jurisdiction of Employees' Insurance Courts. The said material, cannot be ignored while considering the preliminary objection raised by the respondents.

9. It is also relevant to note that a Co-ordinate Bench of this Court, in W.P. No.6250 of 2023, while dealing with a similar issue, relegated the petitioner therein to avail the statutory remedy available under the Act. In order to maintain consistency, this Court is also inclined to relegate the petitioner to avail the statutory remedy before the competent Court, as indicated by the respondents.

10. In view of the above circumstances, this Court, without expressing any opinion on the merits of the matter, is inclined to relegate the petitioner to avail the statutory remedy before the jurisdictional Employees' Insurance Court, in accordance with law.

11. Accordingly, the Writ Petition is disposed of, granting liberty to the petitioner to approach the competent Employees' Insurance Court by filing an appropriate application/appeal, in accordance with law, within a period of four (4) weeks from today. Till then, the operation of the impugned order dated 30.09.2026 shall remain stayed. It is made clear that any observations made

in this order shall not come in the way of the competent Court in pursuing the appeal or any interlocutory application, if so filed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any in the Writ Petition, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Dated: 11.11.2026

C.C by 13.11.2026

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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