

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1520 of 2020

M/s Inland Power Limited, Kolkata represented through its authorized representative, Ranchi Petitioner

Versus

1. The Union of India represented through its Secretary, Ministry of Labour and Employment, Government of India, New Delhi
2. The Regional Director, Employees' State Insurance Corporation, Government of India, having its office at Namkum, Ranchi
3. The Director (ICT), Employees' State Insurance Corporation, Government of India, having its office at Namkum, Ranchi
4. The Asst. Director-cum-Authorized Officer, Employees' State Insurance Corporation, Government of India, having its office at Namkum, Ranchi
5. The Recovery Officer, Employees' State Insurance Corporation, Government of India, having its office at Namkum, Ranchi
6. The Branch Manager, State Bank of India, Gola Branch, Ramgarh Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rishu Ranjan, Advocate
For the Respondent Nos.2 to 5 : Mr. Ashutosh Anand, Advocate
For the Respondent No. 6 : Mr. Rohan Kashyap, AC to
Mr. P.A.S. Pati, Advocate

Order No. 02

Dated: 24.06.2020

The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for issuance of writ of certiorari for quashing the order dated 24.09.2019 contained in memo no. R/60001572810000905/Ins.I 1019 dated 24.09.2019 (Annexure-VIII), whereby the respondent no. 4 – the Asst. Director-cum-Authorized Officer, Employees' State Insurance Corporation, Government of India has made erroneous assessment payable under Section 51 of the Employees' State Insurance (Central) Rules, 1950 instead of Section 51-B of the Rules, 1950, which is dehors the provisions of the Rules as notified from time to time.

2. Mr. Ashutosh Anand, the learned counsel for the respondent nos. 2 to 5, submits that the present writ petition is not maintainable in view of the fact that the petitioner has an efficacious remedy to raise the present dispute before the Employees Insurance

Court as has been provided under Section 75 of the Employees State Insurance Act, 1948.

3. Having heard the learned counsel for the parties and keeping in view that the petitioner by way of filing the present writ petition has raised the dispute with regard to the applicable rate of contribution payable by the employer, I am of the view that the said dispute can be agitated by the petitioner before the Employees Insurance Court. Thus, the petitioner having an efficacious/statutory remedy provided under the provisions of Act, 1948, I am not inclined to entertain the writ petition at this stage.

4. The writ petition is dismissed as not maintainable. The petitioner is, however, at liberty to take appropriate recourse before the Employees Insurance Court as provided under the Act, 1948.

(Rajesh Shankar, J.)

Manish