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Raghunandan Singh Vs The State of Bihar and Others

C.W.J.C. No. 7334 of 2002

Court: Patna High Court

Date of Decision: Nov. 13, 2002

Acts Referred:
Employees State Insurance Act, 1948 â€" Section 75(1)

Citation: (2003) 1 PLJR 316

Hon'ble Judges: R.S. Garg, J

Bench: Single Bench

Advocate: Rajeev Ranjan Prasad, for the Appellant; Arun Shrivastava, for Respondents 2-4, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

R.S. Garg, J.
Heard learned Counsel for the Petitioner. Also heard learned Counsel for the Respondents No. 2 to 4.

2. The grievance of the Petitioner appears to be that a show cause notice was issued to him by the Employees State Insurance Corporation and he

was required to show cause against the recovery. The Petitioner says that though he filed his reply but without passing a final order on the subject a

recovery certificate has been issued and in execution of the recovery certificate, the Petitioner is sought to be arrested. Learned Counsel for the

Petitioner submits that the Petitioner is not answerable to the claim made by the Employees State Insurance Corporation, firstly because he was a

minor when the establishment was being run and secondly even after attaining the majority, he had no connection with the said business. Learned

Counsel for the Corporation submits that in accordance with Section 75(1)(g) of the Employees State Insurance Act, 1948 the Petitioner has a

remedy to approach the Employees State Insurance Court and if he satisfies the judicial conscience of the said court then the said court may even

grant an injunction in favour of the Petitioner. He submits that in view of availability of the alternative remedy which is apt and efficacious, the

Petitioner is not entitled to maintain this writ application.

3. Section 75(1)(g) of the Act in fact provides an alternative relief in favour of a person who is aggrieved by an order passed by the E.S.I.

Corporation in relation to any contribution or benefit or other dues payable or recoverable under the Act or in other matter required to be or which

may be decided by the E.S.I. Court under the Act.

4. As an alternative speedy and efficacious remedy is available to the Petitioner I do not think that this Court should interfere in the matter at this

stage. The Petitioner is free to approach the proper forum. The apprehension of the Petitioner that his life and liberty would be seriously hampered,

in the opinion of this Court, is baseless. If he satisfies the Employees State Insurance Court that present is a case where the effect of the certificate

should be stayed then in the opinion of this Court, the E.S.I. Court certainly would grant some interim relief in favour of the Petitioner.

5. On the merits without making any observation I dispose of the petition with the liberty aforesaid.