

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.67 of 2015

JUDGMENT:

This appeal is preferred against order dated 02.01.2015 in I.A.No.1 of 2015 in S.R.No.2 of 2015, whereunder Employees Insurance Court and Chairman Industrial Tribunal-I, Hyderabad, directed the petitioner to deposit 20% of the demanded amount as per the notice issued by respondent No.2, dated 13.03.2014, which approximately comes to Rs.1,57,000/-. Aggrieved by the said direction, petitioner preferred the present appeal invoking the powers under Section 82 of Employees' State Insurance Act, 1948 (for short, 'Act').

2. Advocate for appellant-petitioner submitted that petitioner earlier deposited 50% as per the advice of the Corporation to reopen the case. But in spite of such deposit due to existing instructions from the headquarters, case was not re-opened and for that reason, petitioner approached the Industrial Tribunal, Hyderabad, but, the Tribunal, without noticing the fact that already 50% was deposited by petitioner, again directed the petitioner to deposit another 20%, therefore, the order of the Chairman, Industrial Tribunal, Hyderabad, is not correct and it involves substantial question of law.

3. I have perused the provisions under Section 75(2-B) of the Act and also provision under Section 82 of the Act. I have also perused the impugned order dated

02.01.2015. Learned Chairman, Industrial Tribunal, while directing the petitioner to deposit 20% of the demanded amount, also considered the fact that the petitioner already deposited 50% as demanded by the Corporation. Therefore, the contention of appellant-petitioner that the Chairman, Industrial Tribunal, has not taken into consideration the amount of 50% already deposited as per order dated 13.12.2010 is not at all correct. As per proviso to Section 75(2-B) of the Act, the Court has power to waive or reduce the amount to be deposited and the Chairman, Industrial Tribunal, exercised his discretion and directed petitioner to deposit 20% besides 50% already deposited by him. Therefore, I do not find any wrong exercise of jurisdiction and there is no substantial question of law involved for determination of this Court. For these reasons, I am of the view that the appeal is not maintainable, therefore, liable to be dismissed.

4. Accordingly, civil miscellaneous appeal is dismissed at admission stage. No costs.

5. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

10th February 2015.

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