(1963) 02 P&H CK 0028

In the Punjab And Haryana At Chandigarh

Puri (A.L.) APPELLANT

Vs

Employees' State Insurance Corporation RESPONDENT

Date of Decision : 20-02-1963

Acts Referred:
Employees State Insurance Act, 1948 — Section 75, 82

Citation : (1966) 2 LLJ 264

Hon'ble Judges : P.D. Sharma, J

Bench : Single Bench

Judgement

P.D. Sharma, J.—The Regional Director, Employees'' State Insurance Corporation, Amritsar, applied to the Collector, Amritsar, for realization of a sum of Rs. 2,927 as employer''s special contribution as arrears of land revenue from A. L. Puri, manager, and one of the proprietors of the India Chemical Industries, Amritsar. Thereupon, the latter, u/s 75(1)(g) of the Employees'' State Insurance Act, 1948 (hereinafter referred to as the Act), instituted the present petition in the Insurance Court, Amritsar, for an injunction restraining the Corporation from realizing the employer''s special contribution for a period of more than one year from the date of the application to the Collector. The Corporation maintained that the employer''s special contribution was recoverable as arrears of land revenue u/s 73D of the Act for which no period of limitation had been prescribed by law. The following issue was framed:

Whether the amount relating to employer''s special contribution is not recoverable by the respondent as the same is time-barred?

The issue was decided against the petitioner and the petition was dismissed. The parties were, however, left to bear their own costs. The petitioner appeals.

2. Sections 80 and 82 of the Act and Rule 17 of the Employees'' Insurance Court Rules, 1949, which only provide period of limitation for proceeding under the Act or the regulations and the rules made there under, run as follows:

80. An Employees'' Insurance Court shall not direct the payment of any benefit

to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within twelve months after it became due it may direct the payment of the benefit as if the claim had been made in time.

82. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees'' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees'' Insurance Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be, sixty days.

(4) The provisions of Sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals under this section.

17. (1) Every application to the Court shall be brought within twelve months from the date on which the cause of action arose or as the case may be the claim became due:

Provided that the Court may entertain an application after the said period of twelve months if it is satisfied that the applicant had sufficient reasons for not making the application within the said period.

(2) Subject as aforesaid the provisions of Parts II and III of the Indian Limitation Act, 1908 (IX of 1908), shall so far as may be applied to every such application.

The employer''s special contribution payable under Chap. V-A of the Act is recoverable as if it were arrears of land revenue. A careful reading of the provisions of Sections 80 and 82 of the Act and Rule 17 will show that the Corporation''s right to recover employer''s special contribution as arrears of land revenue is not covered by these and, as such, the appellant could not legitimately urge that the claim of the Corporation for a period beyond one year from the date of its application to the Collector was barred by time. The Insurance Court was correct in holding as it did that the Corporation''s claim to reoover employer''s special contribution as arrears of land revenue was never barred by time. The petition, therefore, stood rightly rejected. The appeal also fails and is dismissed with costs.

