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Court : Rajasthan

Decided On : Sep-21-1988

Reported in : (1990)ILLJ302Raj; 1988(2)WLN598

Judge : S.N. Bhargava and; P.C. Jain, JJ.

Acts : Workmen's Compensation Act, 1923 - Sections 30; [Constitution of India](#) - Article 226

Appeal No. : D.B. Civil Writ Petition No. 2286/1988

Appellant : Krishna Lime Works

Respondent : Presiding Officer/Workmen's Compensation Commissioner and Ors.

Advocate for Pet/Ap. : R.K. Kala, Adv.

Disposition : Petition dismissed

Judgement :

P.C. Jain, J.

1. In this writ petition, the petitioner has prayed for issuance of a writ of mandamus or a writ of certiorari quashing the order dated 25th May, 1988, passed by the Workmen's Compensation Commissioner, Jaipur in Case No. W.C.C.F.6/85, wherein Koili, Munni, Lalli and Keshar have filed a compensation claim against Kanhaiya Lal son of Murlidhar in the Court of Workmen's Compensation Commissioner, Jaipur.

2. Briefly stated, the facts of the case are that the petitioner M/s. Krishna Lime Works, Chaksu is running an establishment for manufacturing of lime, situated at Kotkhawada Road, Malorai Ki Bagichi, Chaksu, of which Kanhaiya Lal is the sole proprietor. The case of the non-petitioners before the Workmen's Compensation Commissioner against M/s. Krishna Lime Works, Chaksu was that deceased Gairdial was a workman in the petitioner's establishment. He was drawing wages of Rs. 600/- p.m. and during the course of employment he died. The claim was filed by the respondents who are said to be the dependants of deceased Gairdial in form 'G' under Rule 20 of the Workmen's Compensation Rules before the Commissioner for Compensation. The petitioner filed a reply to the claim petition. Both the parties produced their evidence in support of their case. The Workmen's Compensation Commissioner by his order dated 25th May, 1988, awarded a sum of Rs. 52,058.40 as compensation to the respondents. In the impugned order, the Workmen's Compensation Commissioner has recorded a finding that the deceased was a workman and he died in an accident arising out of and in the course of employment. The learned Commissioner also recorded a finding that at the time of his death the deceased, Gairdial, was drawing a salary of Rs. 600/- per month. The deceased died on 30th November, 1984. Deceased Gairdial died on account of exhaustion due to carbon monoxide gas while he was at the site and where he fell in lime kiln.

3. The petitioner has filed this writ petition under Article 226 of the [Constitution of India](#), praying for issuance of a writ of mandamus or a writ of certiorari to quash the impugned order dated 25th May, 1988, passed by respondent No. 1. The case was fixed for admission on 30th August, 1988. The petitioner has challenged the impugned order of the Commissioner, dated 25th May, 1988, on various grounds. We do not want to go into the various grounds, which the petitioner has taken in

the writ petition as in our opinion the writ petition is not maintainable on the ground that an alternative remedy of an appeal under Section 30 of the Workmen's Compensation Act (hereinafter referred to as 'the Act') is available to the petitioner. Mr.R.K. Kala, learned counsel for the petitioner, has vehemently submitted that an alternative remedy available to the petitioner under Section 30 of the Act is not an adequate alternative remedy as in the event of filing an appeal, it is incumbent upon the petitioner to deposit the amount of compensation awarded to the non-petitioner Nos. 2 to 5. Mr. Kala has placed reliance on *Baru Ram v. Labour Officer, Sonapat*, 1985 ACJ 147(P&H;), which in turn takes support from *Himmatlal Harilal Mehta v. State of Madhya Pradesh*, (AIR) 1954 SC 403.

4. Before examining the merits of the contentions raised by Mr.Kala, learned counsel for the petitioner, we would like to discuss, in short, the scope of judicial remedies provided under Article 226 of the Constitution. Article 226 stipulates issuance of writs for enforcement of fundamental rights, or for any other purpose. Principally the judicial remedies which are generally made use of against acts, orders or awards of the authorities administering law, are the directions, orders or writs in the nature of certiorari, prohibition, mandamus and quo warranto. Habeas corpus is also one of the remedies under Article 226. However, it is designed to offer immediate relief from illegal confinement or restraint and used for negation of right to personal liberty. Mandamus can be issued to a person, corporation or Tribunal when they are required to perform any public duty or where it is required to perform equally statutory duty. An order of mandamus is a command directed to a person, corporation or an inferior Tribunal requiring him or them to do a particular thing therein specified which appertains to his or their office and is in the nature of a public duty. Certiorari is the appropriate remedy to quash the orders and awards of the Tribunal or quasi-judicial authorities, when they assume jurisdiction which they do not possess or where their orders or awards suffer from errors of law apparent on the face of the record or violate the rules of natural justice. Prohibition is issued when a Tribunal takes up for hearing a matter over which it has no jurisdiction for forbidding the Tribunal from continuing the proceedings. Quo warranto will lie against usurping any office of a public nature. In the instant case, though the petitioner has prayed for issuance of mandamus or certiorari, but it is a case of writ of certiorari as the complaint of the petitioner is

against the order passed by the Workmen's Compensation Commissioner.

5. The object of writ proceedings is to determine question of jurisdiction of inferior Tribunal and to examine whether they conform to the essential form of laws in the administration of justice. Certiorari is the appropriate remedy to raise the question of jurisdiction. The court acting in certiorari does not act in appellate jurisdiction, but its duty is only of a supervisory nature. The following propositions have been settled by judicial decisions:

(1) Certiorari will be issued to correct errors of jurisdiction as and when the inferior court or Tribunal acts without jurisdiction or in excess of it or fails to exercise it.

(2) Certiorari will be issued when although the Tribunal has jurisdiction it acts illegally by denying the right to be heard or by violating principles of natural justice.

(3) Certiorari will be issued where there is an error apparent on the face of record.

6. It is also a well settled rule of law that remedy under Article 226 of the Constitution, in general, is discretionary. The High Court would refuse to grant it to a litigant when an equally convenient, beneficial and efficacious alternative remedy is open to him and he should be required to pursue that remedy and not invoke the special jurisdiction of the High Court to issue a prerogative writ under Article 226. It is also well settled that in cases where the ordinary process of law appears to be inefficacious the writ court would be within its right to interfere even if other remedy is available as existence of another remedy does not affect the jurisdiction to issue a writ. In fact, the existence of another remedy does not affect the jurisdiction to issue a writ. In fact, the existence of an alternative remedy does not per se operate as an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution, though the existence of an alternative remedy is a circumstance which should be taken into consideration in the matter of invoking writ jurisdiction. The Supreme Court in the case of *State of Uttar Pradesh v. Mohammad Nooh*, (AIR) 1958 SC 86, was clearly of the opinion that the rule of requiring the exhaustion of statutory remedies, before a writ is granted, is, however, a rule of policy, convenience and discretion rather than a rule of law. Thus, despite existence of other remedy, certiorari may be granted where want of jurisdiction is

complained of or there is violation of fundamental rights of a citizen. The various circumstances under which the failure to resort to statutory remedies could not be treated as precluding a party from asking for a writ, have been stated by the Supreme Court in *State of Uttar Pradesh v. Mohammad Nooh* (supra) as follows:

'On the authorities referred to above it appears to us that there may conceivably be cases--and the instant case is in point--where the error, irregularity or illegality touch in jurisdiction or procedure committed by an inferior court or Tribunal of first instance is so patent and loudly obtrusive that it leaves on its decision an indelible stamp of infirmity or vice which cannot be obliterated or cured on appeal or revision. If an inferior court or Tribunal of first instance acts wholly without jurisdiction or patently in excess of jurisdiction or manifestly conducts the proceedings before it in a manner which is contrary to the rules of natural justice and all accepted rules of procedure and which offends the superior court's sense of fair play, the superior court may, we think, quite properly exercise its power to issue the prerogative writ of certiorari to correct the error of the court or Tribunal of first instance, even if an appeal to another inferior court or Tribunal was available and recourse was not had to it or if recourse was had to it, it confirmed what *ex facie* was a nullity for reasons aforementioned. This would be so all the more if the Tribunals holding the original trial and the Tribunals hearing the appeal or revision were merely departmental Tribunals composed of persons belonging to the departmental hierarchy without adequate legal training and background and whose glaring lapses occasionally come to our notice. The superior court will ordinarily decline to interfere by issuing certiorari and all we say is that in a proper case of the kind mentioned above it has the power to do so and may and should exercise it. We say no more than that.'

7. In view of the proposition of law laid down by the Supreme Court in *Mohammad Nooh's case* (supra), the question that requires consideration by us is, whether there is any infirmity or vice which cannot be obliterated or cured on appeal. In other words, we are required to decide whether the order sought to be challenged has been passed in the absence of jurisdiction, or in excess of jurisdiction or in violation of principles of natural justice so as to shake our sense of fair play, justice or equity.

8. It is also well settled that this court under Article 226 will give relief to a litigant who comes to this court despite existence of an adequate alternative remedy where the litigant complains of violation of his fundamental rights. In the instant case, such a complaint is not there. There is no complaint that it is in violation of principles of natural justice. The contention of the learned counsel for the petitioner is that in spite of alternative remedy available to him, he can come to this court for redressal of his grievance as the alternative remedy of appeal under Section 30 of the Workmen's Compensation Act is not efficacious as before filing an appeal, the petitioner is required to deposit the amount of compensation awarded against the petitioner. This further needs to be determined as to in what circumstances the remedy available may be taken to be adequate or not and whether the grievance of the petitioner that he will be required to deposit the amount of compensation before filing the appeal is a circumstance which is sufficient to give a ground to the petitioner to avoid the existence of alternative remedy. We may illustrate some of the grounds where the remedy itself may not be adequate, for example, where the appellate authority whose order is impugned has acted under the general or special direction of the appellate authority, it would be futile to drive a party to an alternative remedy where it is a case of an appeal from Caesar to Caesar. It may be a case where the appellate or the revisional authorities are merely departmental Tribunals composed of persons belonging to the departmental hierarchy without adequate legal training and background and whose glaring lapses occasionally come to the notice of the court, as observed by the Supreme Court in Mohammad Nooh's case, (supra).

9. Now, we would like to examine the rulings on which reliance has been placed by the learned counsel for the petitioner. Baru Ram's case, (supra) is a 'sheet anchor' of the petitioner's case. In Baru Ram's case, petitioner Baru Ram challenged the order of Commissioner under the Workmen's Compensation Act directing to pay compensation. While challenging the direction for payment of compensation, the petitioner also challenged the vires of Section 4A(3) of the Workmen's Compensation Act, 1923. The writ petition was filed in the year 1975 and was decided on 13th January, 1983. The petitioner was directed to pay a sum of Rs. 11,800/- which included Rs. 3,780/- by way of penalty under Section 4A of the Act and Rs. 460/- by way of interest to Roshan Lal, respondent. The petitioner

had a sugarcane crusher and the accident took place when the workman, Roshan Lal was working and his hand was crushed in the crusher and the crushed hand was separated from the body. Workman Roshan Lal was the minor son of Baru Ram, petitioner. In Baru Ram's case (supra), on the ground of alternative remedy there are no discussions except that a reference has been made and reliance has been placed on Himmatial Harilal Mehta's case (supra). In that case it was observed that principle that a court will not issue a prerogative writ when an adequate alternative remedy was available could not apply where a party has come to the court with an allegation that his fundamental right had been infringed and sought relief under Article 226 or where the remedy provided by the Act is of an onerous and burdensome character and before the appellant can avail of it he has to deposit the whole amount of the tax, such a provision can hardly be described as an adequate alternative remedy. After quoting from Himmatlal Harilal Mehta's case (supra), the learned Judge of the Punjab & Haryana High Court in Baru Ram's case (supra), without any discussion, further held that the ratio of Himmatial Harilal Mehta's case is applicable to the case under consideration. Baru Rams case had special features as in that case writ petition was filed in the year 1975 and decided after more than 8 years when the remedy of appeal had already become barred by time. Thus, the writ petition could not have been dismissed on the ground of alternative remedy. In the instant case, which is at the admission stage, the petitioner still can file an appeal. In Baru Ram's case there is another circumstance which requires consideration. The circumstance being that in the writ petition there was challenge to the vires of Section 4A(3) of the Act. After having discussed Baru Ram's case, we would like to discuss the case of Himmatial Harilal Mehta v. State of Madhya Pradesh, (supra). Himmatial Harilal Mehta's case was considered by a Division Bench of this court in Juethmal Ram Swaroop v. State, 1959 RLW 605 and the following observations were made by this court:

'(10) It was next urged that the provision in Section 13 of the Act which required the assessee to pay up the tax before making the appeal was very onerous and, therefore, the assessee could not have an equally efficacious remedy by proceeding under the Act. Reference in this connection was made to certain observations of the Supreme Court in Himmatial Harilal Mehta v. State of Madhya Pradesh, (AIR) 1954 SC 403. That was a case under the C.P. and Berar Sales

Tax Act and the vires of certain parts of the Act were challenged there. We have always held in this court that where the vires of a fiscal Act are challenged, a writ application will lie. At the end of the judgment, however, in Himmatlal's case, it was observed as follows at page 406:

'Moreover, the remedy provided by the Act is of an onerous and burdensome character, before the appellant can avail of it he has to deposit the whole amount of the tax. Such a provision can hardly be described as an adequate alternative remedy'.⁽¹¹⁾ We may point out with respect that these observations were in a sense obiter in that case, for the case related to the vires of certain parts of the law and that matter could never be gone into by the Tribunal constituted under the Act itself. It was, therefore, unnecessary in that case to decide the question whether remedy by way of appeal where tax has to be deposited before the appeal is filed was so onerous as not to provide an adequate alternative remedy.'

10. The learned Division Bench of this court after making the above observations further considered whether the mere fact that the Act provides that the tax has to be deposited before an appeal is filed makes the remedy so onerous as to make it an inadequate alternative remedy in every case and further observed that this aspect of the matter was not considered by the Supreme Court in Himmatlal Harilal Mehta's case (supra). The learned Division Bench also observed that even if this principle is to be applied, it cannot be applied baldly in every case. It was pointed out in that case that suppose that the tax imposed in a particular case is only Rs. 5/- Can it be said that the law which requires the deposit of tax is so onerous in a case where the tax imposed is only Rs. 5/- as to make the remedy under the law an inadequate alternative remedy. Ultimately, the learned Division Bench after discussing the above circumstances made further observations as follows:

'Therefore, even if these observations of the Supreme Court, though they appear to us to be obiter, have to be given full force, we must say that each case will have to be judged on its own merits to decide whether the alternative remedy is so onerous as to become inadequate.'

11. In Jethmal Ram Swaroop's case (supra) this court considered the case of Ramniranjan Kedia v. Income Tax Officer, Udaipur, 1957 RLW 92 and observed as follows:

'We are of opinion that Ramniranjan Kedia's case (supra), applies with full force to the facts of this case. Here also the assessment order has been made by the Sales Tax Officer. Remedies by way of appeal, revision and reference to this court are open to the appellant under the Act. We, therefore, see no reason why we should issue a writ of certiorari which is a discretionary writ at this stage short-circuiting the procedure provided in the Act. If we were to permit this, it would only be a short step from here to permit writs of certiorari from judgments of trial courts in civil matters direct to this court under Article 226 of the Constitution, short-circuiting the procedure of appeals, second appeals and revisions provided in the Civil Procedure Code. We do not see, therefore, why we should intervene at this stage when it is open to the applicant to take advantage of Sections 13, 14 and 15 of the Act.'

12. In Ramniranjan Media's case, (supra) this court observed that the High Court should not exercise its power under Article 226 of the Constitution in the case of a self-contained statute like the Income Tax Act, when there is no allegation of the invalidity of any provision of the Act and the allegation only is that a particular Income Tax Officer was acting without jurisdiction in taking action under Section 34, and in assessing the applicant. It was also observed that a writ of certiorari is always a discretionary writ, and in a case like the present one where there are other remedies provided in a fiscal statute it is open to the applicant to avail the remedy of coming to this court on a reference under Section 36 of the Act, there is thus no reason for us to interfere under Article 226 of the Constitution.

13. Himmatlal Harilal Mehta's case (supra) was considered by the Supreme Court in Navin Chandra Chhotelal v. Central Board of Excise and Customs, (AIR) 1971 SC 2280. It was a case wherein Special Leave Petition was filed against the judgment of the Circuit Bench of the Punjab High Court at New Delhi dismissing in limine the writ petition filed by the appellant to quash the orders of the respondents. In that case, an appeal was filed against the levy of penalty by

Collector, Excise and Customs. In the appeal, it was required to deposit the amount of penalty or duty, and since the appellant did not deposit the amount of penalty or duty, the appeal was rejected and a writ petition was filed and reliance was placed on Himmatlal Harilal Mehta's case (supra) and the Supreme Court distinguished the case of Himmatlal Harilal Mehta and observed that the mere fact that a remedy was available under the said Act, an assessee was not disentitled to relief under Article 226 when he comes with an allegation that his fundamental right is sought to be infringed. The Supreme Court dismissed the appeal.

14. Himmatlal Harilal Mehta's case, (supra) was also considered by a learned single Judge of this court in B.K. Vyas v. State of Rajasthan, S.B. Civil Writ Petition No. 647 of 1983; decided on 7th November, 1986 and was distinguished. It was a case in which notice issued by the Assessing Authority under the Rajasthan Land and Building Tax Act, 1964, was challenged in the writ petition and a preliminary objection was raised that the writ petition was not maintainable on the ground that alternative remedy is available. It may be stated here that before the remedy of appeal is availed of, an assessee is required to deposit the tax assessed. The learned Judge referred to the following observations made by the Supreme Court in the case of Titagarh Paper Mills Co. Ltd. v. State of Orissa, (AIR) 1983 SC 603:

'It is now well recognised that where a right or liability is created by a statute, which gives a special remedy for enforcing it, the remedy provided by that statute only must be availed of.'

and held as under:

'Thus, the word 'only' used by their Lordships in para 11 of the said judgment is indication of the fact that it prohibits to direct approach or raising to the High Court in such matter of taxation without availing the remedy available under the said Act of taxation'.

In an another recent D.B. judgment of this court in which one of us (Bhargava, J.) was a party Ramnarain Rathi v. Asstt. Director, Land & Building Tax Deptt., Jaipur, D.B. Civil Writ Petition No. 2235 of 1986; decided on 3rd March, 1987, this court

again distinguished Himmatlal Harilal Mehta's case. The Division Bench also considered the case of B.K. Vyas v. State of Rajasthan (supra), placed reliance on Titagarh Paper Mills Co. Ltd. v. State of Orissa (supra), Mahavir Insulations v. State of Rajasthan, 1986 WLN (UC) 305 and Assistant Collector of Central Excise v. Dunlop India Ltd., (AIR) 1985 SC 330, wherein it has been observed that, 'Article 226 is not meant to short-circuit or circumvent statutory procedures', and ultimately held as follows:

'Merely because the petitioner has to pay the tax assessed by respondent No. 1 before he prefers an appeal, it cannot be said that it is too onerous'.

15. In Dinesh Chandra Agrawal v. State, (AIR) 1988 MP 213, the provisions of M.P. Entertainment Duty and Advertisement Act, 1936 were challenged on the ground that it makes deposit of amount a condition precedent to maintainability of appeal. The learned Division Bench relying on Anand Mills Co. Ltd. v. State, (AIR) 1975 SC 1234, held the provisions valid and dismissing the writ petition on the ground of alternative remedy directed the petitioner to prefer an appeal.

16. In Champalal Binani v. CIT, West Bengal, (1971) 3 SCC 20, the Supreme Court observed that when remedy is provided under the Income Tax Act, a writ petition under Article 226 is not maintainable. The Income Tax Act provides a complete and self-contained machinery for obtaining the relief against improper action taken by the departmental authorities, and normally the party feeling himself aggrieved by such action cannot be permitted to refuse to have recourse to that machinery and to approach the High Court directly against that action. It was further observed that the assessee had an adequate remedy under the Income Tax Act which he could have availed of.

17. The same view has been taken by the Supreme Court with more clarity in the case of Asstt. Collector of Central Excise v. Dunlop India Ltd., (supra) as follows:

'Article 226 is not meant to short-circuit or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations, as for instance, where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the

prevention of public injury and indication of public justice require it that recourse may be had to Article 226 of the Constitution. But then the court must have good and sufficient reasons to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters'.

18. A critical study of the above referred two cases *Baru Ram's*, (supra) and *Himmatlal's*, would reveal that in both the cases the vires of the Act were challenged. In *Himmatlal Harilal's* case the vires of certain part of C.P. and Berar Sales Tax Act was challenged and in *Baru Ram's* case, Section 4A (3) of the Workmen's Compensation Act was challenged. There is no dispute about the proposition of law that when vires of the Act is challenged, the only remedy available to a litigant is to approach the High Court under Article 226 of the Constitution and the question of alternative remedy does not arise, or where fundamental right is affected, the bar of alternative remedy goes. Here, this is not the case. Appeal lies with regard to Sales Tax Act, Payment of Wages Act and Workmen's Compensation Act, which require deposit of the amount before preferring an appeal. In *George Peter (C) v. Its Workmen*, (1962-I-LLJ-484) a writ of certiorari was filed against the order of the Payment of Wages Authority, whereby the Authority allowed the claim of the applicants holding the appellant liable on account of the claims to pay Rs. 21,474-2-6. The employer instead of preferring an appeal under Section 17 of the Payment of Wages Act filed a writ petition in the Kerala High Court. A Division Bench of the Kerala High Court held that in view of the alternative remedy available to the petitioner a writ of certiorari was not maintainable. It was observed that failure to file an appeal under Section 17 of the Payment of Wages Act precludes the employer from claiming the discretionary relief under Article 226 of the Constitution.

19. In *R.N. Shenoy v. Central Bank of India*, 1984 Lab IC 1493, a Division Bench of the Kerala High Court again considered the question of alternative remedy in a case under the Payment of Wages Act, wherein the deductions in wages were challenged. The Division Bench of the Kerala High Court held that the writ petition was not maintainable, as efficacious remedy of appeal was available to the petitioner. In that case it was further observed that if individual employees are

permitted to flood this court with such petitions, that would not only make the mechanism provided under the Payment of Wages Act for such purposes ineffective but also result in the abuse of the jurisdiction of this court under Article 226.

20. In a very recent case of *Vijay Prakash D. Mehta v. Collector of Customs (Preventive)*, Bombay, 1988 III SVLR (T) 86, decided by the Supreme Court on 16th August, 1988, released on 23rd August, 1988, the question arose whether right of appeal as contemplated under Sections 129A and 129-E of the Act is whittled down when it is granted with a condition? The said sections provide a conditional right of appeal in respect of an appeal against duty demanded or penalty imposed. The condition is that a person appealing against such decision or order shall, pending the appeal, deposit with the proper officer duty demanded or the penalty levied. The contention of the appellant in that case was that they had no money and the right of appeal would be illusory unless they are permitted to deposit Rs. 60,000/-only which they had contended they were able to procure with the assistance of their father. The Supreme Court held that if the statute gives a right to appeal upon certain condition, it is upon fulfilment of those conditions that the right becomes vested and exercisable by the appellant. The Supreme Court further held that the right to appeal is a statutory right and it can be circumscribed by the conditions in the grant. It was further observed that the purpose of the section is to act in terrorem to make the people comply with the provisions of the Act.

21. Workmen's Compensation Act is a welfare legislation and when it provides a right of appeal with a condition, then such a provision cannot be held to be inadequate right of appeal. It may further be observed that a businessman who is running an industry or a factory or an establishment is supposed to regulate his business in a manner so that he may comply with the statutory provisions of law and, whenever contingency may arise may discharge his obligation under the statute. Any liability arising in the course of and out of employment may be safeguarded by having a policy of insurance covering such a risk insuring the employees working in the establishment. A prudent businessman is supposed to take such steps so that in the event of accident he may keep the risk covered by

virtue of contract of insurance.

22. In the premises aforesaid, we are of the opinion that all the questions raised in the writ petition can be effectively adjudicated upon in an appeal filed against the impugned order passed by the Commissioner under the Workmen's Compensation Act, which lies to the High Court on substantial questions of law, and is not an appeal from Caesar to Caesar or an appeal or revision to departmental Tribunals composed of persons belonging to the departmental hierarchy without adequate legal training and background and whose glaring lapses come to our notice. Further no relief has been sought in the petition for the enforcement of the fundamental right and that permitting the employer litigants to come to this court to avoid exhaustion of remedy under the Act would make the mechanism provided under the Act completely ineffective and the result is the abuse of writ jurisdiction of this court and further the Act being a beneficial legislation and the provisions of Section 30 are not only mandatory but are salutary providing a right of appeal circumscribed by the condition of deposit of amount of compensation for the security of the workman for good reasons, and that proceedings under Article 226 are no substitute for ordinary remedies and finally we are convinced that there has not been any violation of principles of natural justice as to shock our conscience. The remedy of appeal provided under the Act is adequate and efficacious.

23. For the reasons stated above, we hold that the writ petition is not maintainable, which is hereby dismissed in limine. However, it will be open to the petitioner to prefer an appeal after complying with the formalities under Section 30 of the Workmen's compensation Act, 1923 before appellate court. If such an appeal is preferred within 30 days of the passing of this order, the appellate court shall entertain the appeal without any objection as to limitation.