

SUPREME COURT OF INDIA

Regional Director, Esic

Vs.

Katihar Mazdoor Sangh

(S. R. Babu and S.N. Variava JJ.)

15.11.2000

ORDER

S. RAJENDRA BABU, J.

1. In these two appeals the order called in question is passed by the High Court in a proceeding arising under Article 226 of the Constitution wherein a memorandum issued by the appellant directing office for payment of benefits not in cash but by way of cheque was challenged. The High Court, on examination of Rule 23 and Regulation 52 framed under the Employees' State Insurance Act, 1948, came to the conclusion that mode of payment for benefits arising under the Act, as provided under the relevant regulation is by way of cash and not otherwise, which is consistent with the provisions of the scheme of the Act and, therefore, quashed the said memorandum.

2. Learned Counsel for the appellant submitted that the relevant Regulation 52 for our consideration which enables the benefits arising under the Act could be paid not only by cash but by any other means when the appropriate circumstances of the case permit. But we may take note of this aspect and consider that the benefits under the Act would accrue to those employees whose maximum emoluments will be less than Rs. 6,500/- per month which was much less at the relevant time. The quarrel is whether the benefits should be paid in cash or by cheque. If the beneficiary chooses to have the same by cheque, we fail to understand as to why that facility cannot be extended. Having considered the various aspects of the case, we think this is a futile litigation not calling for any detailed examination. Hence we decline to interfere with the order under appeal.

3. The civil appeals shall, therefore, stand dismissed.