

Court No. - 6

Case :- WRIT - C No. - 33195 of 2023

Petitioner :- Rajendra Kumar Chaurasiya

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dhirendra Kumar Srivastava

Counsel for Respondent :- CSC

Hon'ble Mrs. Manju Rani Chauhan,J.

The instant petition has been filed by the petitioner with a prayer to quash recovery notice dated 30.05.2023 issued by respondent no. 4 and with a further prayer to direct respondent no. 4 to pass appropriate orders after considering the objections of the petitioner as filed on 27.08.2023.

Learned counsel for the petitioner submits that respondent authorities have initiated ex-parte proceedings for registration of employees, wrongly reporting that the petitioner's firm is falling within the purview of Section 1(5) of the Employees' State Insurance Act, 1948 w.e.f. 20.05.2019, and without giving any opportunity of hearing or issuing notice to the petitioner, the respondents have proceeded to issue recovery notice. The petitioner has filed objections in the aforesaid proceedings on 27.08.2023, therefore, a direction may be issued to consider the objections of the petitioner and pass appropriate order in accordance with law.

Learned Standing Counsel does not raise any objection to the aforesaid prayer.

Taking into consideration the facts and circumstances of the case, a direction is issued upon the respondent no. 4 to consider and decide the objections expeditiously, preferably within a period of one month from the date of production of a certified

copy of this order. As an interim measure, till the objections are decided or for a period of one and half month from today, whichever is earlier, no coercive action shall be taken against the petitioner.

It is made clear that this Court has not expressed any opinion on the merits of the case, the authority concerned shall pass the order independently and in accordance with law.

The writ petition is, accordingly, disposed of.

No order as to costs.

Order Date :- 26.10.2023

DS