

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.22074 of 2015

Date of decision: 14.10.2015

Lalru Industries Association

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sanjeev Patiyal, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Lalru Industries Association (registered) has approached this Court for a direction to the respondents to consider their grievance by restoring the Primary Medical Facility/ESI dispensary at Lalru, District Mohali. It is stated that there are about 175 to 180 industrial units in the region of Mohali, many of which are small scale industries with subscriber base of approximately 30,000 workers and the medical facility which has been disbanded at ESI dispensary, Lalru caters to approximately 1 lac workers and their families.

The Government has withdrawn the ESI dispensary from Lalru which was the only Primary Medical Facility/Dispensary available to the workers covered under the Employee' State Insurance Act, 1948 who earn

their wages while serving in the industrial establishments in and around Mohali. The withdrawal of the dispensary will cause undue hardship to a large body of workers as they will not have access to any medical facility for treatment of their ailments. The subject matter falls within the purview of Director, Health Services, Punjab. They have brought their grievance to the notice of the official respondents through a representation 18th April, 2015 [P-3] requesting restoration of the ESI dispensary at Lalru but no action has been taken by the competent authority so far. The union also sought personal hearing in the matter to impress upon the respondents of the continued need of the ESI dispensary at Lalru.

The reason for withdrawal of the dispensary is not known and therefore, Mr.Sanjiv K. Patial appearing for the petitioning union prays that in the circumstances, a direction be issued to the respondents to take a look at the grievance of the Union and its members and to redress it in the most suitable manner which will promote the welfare of the working class, failing which, they will have to travel long distances to avail ESI medical facilities which might cause them loss of wages in case they have to travel far for medical treatment.

The request of the learned counsel appears to be genuine and bonafide and disruption of the medical facility requires immediate attention which does not brook delay.

Therefore, it will suffice if a direction is issued to the respondents to consider and decide the representation [P-3] presented by the Union and to do so without delay.

In view of the above, a direction is issued to the competent

authority amongst the respondents including the Director, Health Services, Punjab, Chandigarh to examine the representation of the Union and hearing the representative/s of the petitioning union to pass an appropriate order continuing the facility or in case, there are good and sufficient reasons of closing down, then to furnish reasons justifying the action taken. As the matter lies in public interest, the competent authority would consider and decide the representation within one month from the date of receipt of a certified copy of this order.

With the above directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

October 14, 2015

Paritosh Kumar