

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20641 of 2013

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Ali Kausar Niazee, Son of Late Md. Ali Akbar CIV Mill Industries Pvt. Ltd (an ancillary to TELCO) 5/A Industrial Area, Patna - 13, Resident of Mohalla - New Colony, P.O. Digha Ghat, District - Patna

.... Petitioner

Versus

1. The Union of India through the Asstt. Director (Benefit) Employees' State Insurance Corporation, Panchdeep Bhawan, Jawaharlal Nehru Marg, Patna - 800001
2. The Regional Director, Employees' State Insurance Corporation, Panchdeep Bhawan, Jawaharlal Nehru Marg, Patna - 800001
3. State Medical Commissioner-cum-Chairman (Medical Board) Employees' State Insurance Corporation, Panchdeep Bhawan, Jawaharlal Nehru Marg, Patna - 800001
4. The Manager, Local Office, Employees State Insurance Corporation, Panchdeep Bhawan, Jawaharlal Nehru Marg, Patna - 800001
5. The Presiding Officer, Labour Court, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.R. Sahi, Advocate
Mr. Amir Alam, Advocate
For the Respondent No.5 : Mrs. Kanak Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-03-2017

In the present writ application the petitioner has challenged the order dated 10.01.2013 passed by the Presiding Officer, Labour Court, Patna in E.S.I. Case No.6 of 2011 as



contained in Annexure-8 to the writ application whereby the aforesaid case was dismissed for want of prosecution.

2. It is submitted by the learned counsel for the petitioner that without giving adequate opportunity to the petitioner, the learned Presiding Officer, Labour Court, Patna dismissed the application preferred under Section 54 A of the Employees' State Insurance Act, 1948 for want of prosecution.

3. On the other hand, learned counsel for the Union of India submitted that the submission of the petitioner that he was not given adequate opportunity before the Labour Court is not correct. She submitted that the matter was pending before the Labour Court on the ground of maintainability of the application since long, but the petitioner failed to avail of several opportunities given to him in this regard.

4. I have heard respective counsel for the parties and perused the record.

5. I find substance in the submission made by the learned counsel for the Union of India. It would be apparent from perusal of the impugned order that despite several opportunities given to the petitioner, the petitioner failed to press the application either in person or through his lawyer.

6. In that view of the matter, I find no illegality in



the order passed by the court below.

7. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2017
Transmission Date	NA

