

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

Writ Petition No.1803 of 2006

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

The petitioner in the writ petition questioned the letter bearing No. AP/SRONJA/62/Q/8365-112/04, dated 19.12.2005 issued by the 1st respondent as illegal and without jurisdiction and sought a consequential direction to the 2nd and 3rd respondents not to stop supply of stocks of petrol and diesel and pass such orders.

The case of the writ petitioner is that he has started a retail petrol and diesel outlet at Sattenapalli in the year 1950 in the name and style of Mr.P.Jastheenaih. From the inception, there are only seven employees. In the year 1989, the petrol bunk leased out to one D.Ramesh and he continued the business till October, 2005. It is stated that during the said period, he mismanaged the affairs of firm without paying rent to the petitioner. Therefore, the petitioner has again stopped the management of petrol bunk by the lessee and running the same on his way.

At that stage, 1st respondent issued the impugned letter to the 3rd respondent, asking him to withhold all the amounts that are due until further orders, stating that there are arrears of Rs.73,993/- from the petitioner firm. Precisely, the period for which the amounts fell due under Employees State Insurance Act are from 998 to 29.06.2005, during which period Mr.D.Ramesh has run the business. Be that as it may, the counsel for the petitioner has contended that in response to the impugned notice dated 19.12.2005, they have submitted a representation, dated 30.12.2005, stating that the petitioner firm never engaged more than eight employees and the provisions of Employees

State Insurance Act are not applicable to the petitioner firm. Since no orders are passed in the matter, the counsel for the petitioner requested that appropriate orders may be passed in the light of the representation.

Per contra, learned counsel for the respondents submits that the writ petition is not maintainable and for adjudication of any dispute under the provisions of the Employees State Insurance Act the Special Court is constituted under Section 75 of the Act for deciding the issue. Be that as it may, when once a representation is submitted to the impugned proceedings, dated 19.12.2005, the 1st respondent ought to have considered the same and pass appropriate orders. Therefore, the 1st respondent is directed to pass appropriate orders in pursuance of the representation dated 30.12.2005 submitted by the petitioner after giving an opportunity of hearing, within a period of three months from the date of receipt of the copy of the orders, if not already disposed of.

With the above observation, the writ petition is disposed of. However, it is made clear that since the *interim* orders are in operation from 31.01.2006, this Court directs till the disposal of the said representation, no coercive steps shall be taken which includes not to supply the fuel to the petitioner.

Miscellaneous petitions, if any, pending shall stand closed.

P.KESHAHA RAO, J

Dt.21.11.2017

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