

CWP no.16720 of 2018 (O&M) 1

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

CWP no.16720 of 2018 (O&M)

Date of Decision :11.09.2018

Sunita Gupta

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

Present : Mr.Vivek Khatri, Advocate for petitioner

Ms. Sonia Sharma, Advocate for
Mr. Pawan Kumar Longia, Advocate
for UOI-respondent no.1

None for respondent no.2

MAHESH GROVER, J.(ORAL)

Service was effected on respondent no.2 which is the main contesting party. No reply has been filed. On 20.8.2018, we had noticed this and directed the matter to be heard alongwith CWP no.15512 of 2018. After that the connected case was heard and disposed of but noticing that on facts there was slight divergence from the writ petition which stands decided, we had directed the case to be set down for re-hearing on 5.9.2018 but the case was received late in Court resulting in hearing being postponed to today.

Since all the averments made in the petition have gone uncontroverted as the respondents have chosen not to file reply despite service, we have no option but to proceed with the matter considering the

underlying urgency of an admission to a course.

Annexure P-1 would indicate that the petitioner was employed on 16.9.1992 as a teacher and started contributing to ESI in 2009 but was allotted a registration number on 27.4.2014.

In the absence of the reply by the respondents this assertion has gone uncontroverted. Likewise there is no reason disclosed to us as to why the registration number of the petitioner was allotted to her belatedly even though she continued to be a member of the scheme since 2009 by making contributions. We are thus of the opinion that petitioner cannot be faulted for this and this is precisely what we have held in CWP no.15512 of 2018, the ratio of which would be attracted to the present case as well. Hence, instant writ petition is disposed of in the same terms. The respondents are directed to allot a seat to the petitioner as it has been asserted before us that vacant seat still exists.

(Mahesh Grover)
Judge

11.09.2018
rekha

(Mahabir Singh Sindhu)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No