

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24658 of 2018

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Sonu Kumar, Son of Late Subhash Singh, resident of C/o Subhash Palace,
Hathi Khana, Mainpura, Danapur Cantt, Patna-801503.

... .. Petitioner

Versus

1. Employees State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-1.
2. The Regional Director, E.S.I.C. Panchdeep Bhawan, J.L.N. Marg, Patna-1
3. The Deputy Director cum authorized officer, E.S.I.C. Panchdeep Bhawan, J.L.N. Marg, Patna-1
4. The Assistant Director, E.S.I.C. Panchdeep Bhawan, J.L.N. Marg, Patna-1
5. The Recovery Officer, E.S.I.C. Panchdeep Bhawan, J.L.N. Marg, Patna-1

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Gupta, Advocate
For the Respondent/s : Mr. Sudhir Kumar Bilpuria, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
counsel for the Employees State Insurance Corporation.

In this case, the petitioner is challenging the order dated 19.05.2017 passed by the Deputy Director-cum-Authorized Officer, whereby and whereunder he has directed the petitioner to deposit an amount of Rs.2,34,377/-.

The father of the petitioner was running a proprietorship firm in the name and style of M/S Ex-Army Intelligence Security Services. A proceeding was initiated and the order has been passed.

Learned counsel for the petitioner submits that the



father of the petitioner has already died and liability cannot be shifted upon the petitioner without giving any hearing to him.

Learned counsel for the E.S.I.C. submits that the father of the petitioner has died in 2016, but the period of contribution is prior to 2016. However, the question arose whether the money can be recovered from a dead person that too it is a proprietorship firm not a body corporate.

In such view of the matter, the order dated order dated 19.05.2017 passed by the Deputy Director-cum-Authorized Officer, E.S.I.C., Patna, is quashed. The matter is remanded back to the Deputy Director-cum-Authorized Officer, E.S.I.C., Patna, to pass fresh order in accordance with law after hearing the petitioner. The petitioner is directed to appear before the Deputy Director-cum-Authorized Officer, E.S.I.C., Patna, on 31.07.2019 along with his records.

With the aforesaid observations and directions, this writ petition is allowed to the above extent.

(Shivaji Pandey, J)

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