

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17423 of 2017

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Tathgat Education Mission, Industrial Training Center, Nasriganj, P.S. Digha,
District Patna through its Director Kaushal Kumar, Son of Sri Harish Chandra
Giri, R/o Vivekanand Marg, P.S. Sri Krishna Puri, District Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Labour & Employment, Govt. of India.
2. The Deputy Director-cum- Authorized Officer, Regional Office, Employees' State Insurance Corporation, (Ministry of Labour & Employment, Govt. of India), Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001.
3. The Deputy Director (Recovery), Office of the Recovery Officer, Regional Office, Employees' State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001.
4. The Social Security Officer, Regional Office, Employees' State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Namrata Mishra, Adv.

For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 01-04-2019 Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 29.5.2017 (Annexure-2) by which the Deputy Director cum Authorized Officer, Regional Office, Employees' State Insurance Corporation, Patna has made assessment of Rs. 1,33,959/- holding that the Institution is covered under the Employees' State Insurance Act as the strength of employee employed are more than ten.

Learned counsel for the Employees' State Insurance Corporation has vehemently opposed the prayer and submitted that even after proper notice, they failed to participate in the proceeding and, thus, now he cannot challenge the outcome of the proceeding by



which the assessment has been made.

Having heard learned counsel for the parties, for the end of justice, the order passed against the petitioner dated 29.5.2017 is set aside and the matter is remanded back to the authority concerned who will decide the case on its merit. Accordingly, the petitioner is directed to remain present before the Deputy Director-cum-Authorized Officer on 15.04.2019 failing which this order will be treated to have been withdrawn and the authority will be at liberty to realize the amount from the petitioner. If the petitioner appears before the Deputy Director-cum-Authorized Officer on 15.04.2019, he, after hearing the petitioner, will pass orders in accordance with law and, if the order goes against him, the petitioner will be at liberty to file an appeal under Section 45-AA of the Employees' State Insurance Act.

While deciding the issue, the Authority concerned will deal with all the issues raised by the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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