

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6835 of 1998

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Bharat Wagon and Engineering Company Limited, a Government of India Company having its Registered Office at Block-C, Mauryalok Complex, 5th Floor, Dak Bungalow Road, P.S.-Kotwali, Patna through its Dy. General Manager (Personnel & Administration), Shri R.B.K. Dutta.

... .. Petitioner/s

Versus

Union of India, Ministry of Labour, Shram Shakti Bhawan, New Delhi through its under Secretary & Ors.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
		Mr. Shankar Kumar Thakur, Advocate
For the Respondent/s Nos. 2 to 5 :		Mr. Sudhir Kumar Bijpuria, Advocate
		Mr. Anil Kumar Gupta, Advocate
For the Respondent No. 10	:	Mr. Ravindra Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“To quash the order of the Government of India, Ministry of Labour as contained in the letter issued by their Under Secretary No. S 38014/12/97-SSI dated 16.6.97 as contained in Annexure - 7 whereby the Petitioner's application for exemption under E.S.I. Act, 1948 has been rejected unilaterally, arbitrarily and without any basis and to quash letters NO. P/42-2151/Bima 2 dated 6.4.98 and No. P/42-2151/Ins . II dated 15.6.98 of the Respondent No. 5, the Assistant Director, ESIC, Patna directing the petitioner to make compliance towards E.S.I. contributions within 30 days, i.e. upto 15.7.1998 as contained in Annexure- 11 and 11A respectively.



And for issuance of such other writ / order or direction as may deem fit and proper.”

Learned counsel for the petitioner is not in a position to apprise this Court on merits. On the other hand, he has pointed out para 19 of the writ petition in which he has mentioned that third respondent has filed same litigation.

Whereas in the present petition, the petitioner has questioned the validity of the Government of India communication dated 16.09.1997 in respect of rejection of the petitioner’s application for exemption under Employees’ State Insurance Act, 1948 and consequential communications. He has not addressed as as to what is the infirmity in rejection of petitioner’s application in seeking exemption under Employees’ State Insurance Act, 1948, therefore, the petitioner has not made out a case.

Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

