

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19476 of 2022

Pradyumna Kumar Pradhan

.....

Petitioner

Mr. D.K. Mohanty, Advocate

Versus

Union of India & Others

.....

Opposite Parties

Mr. B.K. Parhi, CGC

CORAM:

**JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO**

ORDER

15.11.2022

Order No.

05.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. D.K. Mohanty, learned counsel appearing for the petitioner, Mr. B.K. Parhi, learned Central Government Counsel appearing for the opposite party no.1, Mr. N. Rath, learned counsel appearing for the opposite parties no.2 and 3, Mr. D. Nayak, learned Additional Government Advocate appearing for the opposite party no.4 and Mr. B.B. Swain, learned counsel appearing for the opposite party no.5.
3. By means of this writ petition, the petitioner has urged this court for *directing the State functionaries (the opposite parties no.1 to 3) to take appropriate action to deal with/implement the Report of the Committee as submitted on 25.03.2022 before the competent authority, in respect of financial irregularities of gigantic proportion by illegal deduction from salaries of all employees including the petitioner. It has been alleged that*

the opposite party no.5, an unregistered body namely ESIC Employees Union, Odisha Region has indulged in the said activities without complying the provisions of Section 7 of the Payment of Wages Act, 1936.

4. It may be noted at the outset that the report of the committee as referred in the writ petition, has not been made available to this Court.

5. Mr. Mohanty, learned counsel having faced with our query in that regard has referred to the communication dated 27.06.2022 under Annexure-3 to the writ petition for showing us the reference of that report. By the said communication, the ESI Corporation, Bhubaneswar has disclosed certain information samples.

6. From the information sample at Sl.No.2 (page 46 of the writ petition), it appears that one report was submitted to the R.D. Cell on 25.03.2022. That was received by the Administrative Branch on 28.03.2022. It further appears from the said information sample that the report was under examination by the competent authority. For that reason, the information and documents as sought for were not disclosed or supplied.

7. Mr. Mohanty, learned counsel has submitted that no further action has been taken in order to get the information, which has been denied, disclosed.

8. As such, the prayer that has been made in the writ petition cannot be entertained by us. Mr. Mohanty, learned counsel has drawn our attention to two representations filed by the petitioner on 29.12.2021 and 29.12.2020 (Annexure-2 collectively). In these two representations, certain facts have been disclosed for asking the authority to stop the deduction of Rs.50/- per month for salaries of the employees. It has been further urged that the affairs of the ESIC Employees Union, Odisha Region should be enquired into so far their status, authenticity of financial transactions, in all the ESICs are concerned.

9. It may also be noted that we could not ascertain whether the representations were at all submitted to the authorities as named. On perusal of these representations, we locate some aspersion, not verified by us to have been made against the opposite party no.5. We are not inclined to pass any comment on the veracity of such allegations as this is not the subject-matter in the writ petition. As such, this court is neither approving nor disproving those allegations. We do not find that we can pass any effective order in this writ petition for absence of relevant materials. Hence this writ petition stands dismissed being devoid of merit.

10. Before parting with the records, we are inclined to direct the Regional Director, ESI Corporation, Regional Office, Panchdeep Bhawan, Bhubaneswar, the opposite party no.3 to consider the representations of

the petitioner, if any received, within a period of six weeks from the date of receipt of a copy of this order.

11. There shall be no order as to cost.
12. Urgent certified copy be granted on proper application.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

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