

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 429 of 2019

Deputy Director (Revenue), Appellant
Employees' State Insurance
Corporation

Mr. Amar Prasad Ray, Advocate
-versus-

Orissa Rural Housing and
Development Corporation Ltd. Respondent
None

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
29.11.2022

Order No.

02. 1. The present appeal by the Employees' State Insurance Corporation is directed against a judgment dated 20th August, 2019 passed by the learned Single Judge allowing W.P.(C) No.18183 of 2008 filed by the Respondent-Company, which was a State owned corporation, with a direction to the present Appellant to decide the issue raised in the reply filed by the Respondent to the show cause notice issued to it by the present Appellant and decide as a preliminary issue, the question of applicability of the ESI Act to the Respondent-Corporation. By the impugned order, the learned Single Judge has required the present Appellant to pass a reasoned and speaking order affording opportunity of hearing and to decide as expeditiously as possible "preferably within a period of four months from the date of communication of the judgment".

2. More than three years have elapsed since the impugned order of the learned Single Judge. Although the present appeal was filed on 19th September, 2019 till date it has not even been listed for hearing. In the last 2 years, no mention was made of the present appeal for listing. It has been listed in its usual turn today.

3. When a specific query was posed to learned counsel for the Appellant whether the impugned directions of the learned Single Judge, which has not been stayed till date, has been implemented, he answered in the negative.

4. Considering that all that has been done in the impugned judgment is a mere remand to the Appellant to decide the preliminary issue regarding applicability of the ESI Act to the Respondent, the Court sees no prejudice having been caused to the Appellant on that score.

5. In that view of the matter, the impugned order calls for no interference. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.