

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.978 of 2018

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M/s Ikya Human Capital Solutions P Ltd. Son of KKm Damodaran, resident of B-8, 102, Shri Ram Spandhana, Challaghatta, P.O.-Yemalpur, P.S.-Challaghatta, District-Bangalore-560037.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The secretary, Labour Resources Department, Government of Bihar Vikas Bhawan, Bailey Road, Patna.
3. The Presiding Officer, Deputy Labour Court, Darbhanga.
4. Gajendra Soni, Son of Ram Chandra Prasad, resident of Punjabi Colony, in Front of Gali No.4, District-Samastipur.
5. The Employees State Insurance Corporation through its Director General Panchdeep Bhawan, CIG, Road,
6. The Additional Commission Rev., The Employees State Insurance Corporation, Panchdeep Bhawan, CIG,
7. Employees State Insurance Corporation through its Regional Director, Regional Office, Jawahar Lal N
8. The Assistant Director, Employees State Insurance Corporation, Regional Office, Jawahar Lal Nehru M
9. The Deputy Director Insurance Cum-Authorized Officer, Employees State Insurance Corporation, Regio
10. The District Transport Officer, Darbhanga-Cum-Certificate Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv.
For the Respondent/s : Mr. Anil Kumar Singh -Gp26

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

14 20-12-2023 1. Learned counsel for the petitioner has stated that the authority concerned has passed an impugned order without putting the petitioner on notice and straightaway set aside the petitioner *ex parte*. That in the entire proceedings before the authority, there is no whisper about the service of any notice to



the petitioner. Learned counsel for the petitioner though has argued on the merits of the case, this Court is not inclined to go into the same as the court is for the present dealing only the issue as to whether the petitioner was put on prior notice before the impugned order was passed.

2. Though, the counsel for the respondents has vehemently argued about the maintainability of the present writ petition and has stated that the petitioner has an alternative remedy of filing an appeal before the competent authority against the impugned order, the counsel could not satisfy this Court that the petitioner was served notice before being set *ex parte* and the impugned order passed. Though, the learned counsel for the respondents has taken pains to take this Court through the various notices issued to the petitioner. It is to be noted that the same are only postal receipts and there is no postal acknowledgment bearing the signature of the petitioner or any of his family members evidencing service of notice. Moreover, as seen from the docket order dated 31.10.2014 which is filed as Annexure no. 2 by the petitioner, it was noticed by the authority before whom the matter was pending that the postal covers were returned with an endorsement “that the petitioner has left”. Thereafter, the respondents has not taken



any steps to take out notice on the correct address of the petitioner. Therefore, the reliance by the respondents on the postal receipts and the notices issued are of no consequences as the petitioner was not residing at the address to which the notices were sent.

4. Therefore, on this short point that the petitioner was not served any notice before being set *ex parte* and order passed the impugned order dated 09.01.2016 passed by the Compensation Commissioner, Darbhanga and the order dated 02.11.2016 passed by the Certificate Officer, Darbhanga are set aside and the matter is remanded back to the authority concerned for passing orders afresh.

5. The petitioner shall appear before the authority concerned on 15.01.2024 without any further notice from the authority concerned and file his appearance through an advocate or appear in person and file his explanation within the time stipulated by the authority. After receipt of the explanation from the petitioner, the matter shall be decided on merits strictly in accordance with law. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of receipt of this order. Any order passed shall be communicated to the parties.



6. With the above directions, the C.W.J.C. stands disposed off.

(A. Abhishek Reddy , J)

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