

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6397 of 2024

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Nishka Security and Intelligence Services, a partnership firm having its office at BG-3, Royal Garden, Nageshwar Colony, P.S.- Budha Colony, Patna - 800001 through its partner, Smt. Ragini Ranjan, aged about 62 years (female), Wife of Rajeev Ranjan Prasad, Resident of Flat No.- 404, Veena Shri Apartment, New Punaichak, P.S.- Shastri Nagar, District - Patna. Pin - 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Patna Medical College Hospital, Patna through its Superintendent.
3. The Superintendent, Patna Medical College, Hospital, Patna.
4. The Deputy Superintendent, Patna Medical College, Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate
Mr. Animesh Gupta, Advocate
Mr. Shivam Gupta, Advocate
For the Respondent/s : Mr.Vivek Prasad, Government Pleader- 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-04-2024

The petitioner is concerned with a blacklisting order for three years, which is dated 04.04.2022, produced as Annexure-P-13. The said order has been affirmed by the



respondent-authority vide order dated 23.01.2024, produced as Annexure-P-1.

2. The contract was for the period 2016-17 and was with respect to providing Trolley-men to push the stretchers in the hospital. One of the Trolley-men raised a grievance before the District Public Grievance Redressal Officer, Patna that the amounts were not paid in accordance with the Minimum Wages Act and also that there was no EPF or ESI contributions. The Awarding Authority issued show-cause notice to the petitioner on the basis of the complaint and blacklisted him. The impugned order affirmed the said order by rejecting the petitioner's representation.

3. The petitioner was once before this Court challenging the earlier order. By Annexure-P-15, another Division Bench of this Court recorded the submission of the Superintendent, Patna Medical College and Hospital, Patna, which is the Awarding Authority that there is no material information furnished to find the complaint to be unfounded. The Division Bench of this Court directed the petitioner to file a detailed representation along with material information. Dissatisfied, the petitioner approached the Hon'ble Supreme Court, which proceeding was rejected by Annexure-P-15,



however leaving liberty to approach the authority as directed by the High Court. Annexure-P-16 representation was filed before the respondent-authority, as directed by the High Court, upon which the presently impugned order has been passed, which is produced as Annexure-P-1.

4. A reading of Annexure-P-1 order indicates that despite repeated opportunities given, the petitioner did not appear before the District Public Grievance Redressal Officer, Patna. Eventually, the Public Grievance Redressal Officer referred the matter to the Labour Department. The Labour Department passed Annexure-P-10 order dated 14.03.2022, which closed the complaint before the Public Grievance Redressal Officer. The ground on which Annexure-P-10 order was passed is that the payments are made in accordance with Minimum Wages Act. There is, however, no reference to either contributions in the EPF or ESI.

5. We specifically asked the petitioner's Counsel, for the proof of contributions made towards EPF and ESI and enquired from the learned Counsel as to whether the same were produced before the authority.

6. We see that Annexure-P-16, filed in compliance with the judgment of another Division Bench of this Court, only



mention that the EPF and ESI contributions paid were evidenced in the documents produced before the Patna High Court. In fact, the specific direction in the judgment of the Division Bench of this Court was to produce the materials before the authority. The petitioner has not attempted to produce the same, even now.

7. In such circumstances, we direct the petitioner to produce the documents evidencing payment of EPF and ESI contribution to the Trolley-men, deputed by the petitioner for engagement in the Patna Medical College and Hospital, Patna, within a period of three weeks before the respondent-authority. The respondent-authority will look into it and decide on the blacklisting order.

8. With the above directions, the writ petition stands disposed of.

9. We issue such direction since the non-payment of EPF and ESI would invite prosecution proceedings on the Awarder also. We specifically notice that the impugned order records that despite various opportunity given, the petitioner has not produced the materials evidencing payment of EPF and ESI contribution. In fact, even before the Public Grievance Redressal Officer, the petitioner failed to appear and produce the



materials.

10. The writ petition is disposed off.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.04.2024
Transmission Date	

