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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 19425 of 2024

Sri Sunil Koley
Vs.
Union of India&Ors.

Mr. Bikash Shaw
... for the petitioner

Mr. Suman Chattopadhyay,
Ms. Sipra Chandra
...for the respondent no. 1

Mr. Shiv Chandra Prasad
...for the E.S.I. Corporation

The grievance of the petitioner is directed against the rejection of the representation dated December 22, 2023 seeking cash benefits from April 01, 2009 to April 27, 2012.

It is alleged on behalf of the petitioner that on November 18, 2008 when the petitioner was on duty at the services of the M/s. North Brooke Jute Company Limited, the petitioner had allegedly suffered an accident and was immediately hospitalized. Thereafter, the petitioner had on January 27, 2009 visited the E.S.I. Hospital and was recommended to rejoin services. An alleged certificate dated April 30, 2009 was also issued by the E.S.I. Hospital. Subsequently, the petitioner once again was unwell on April 15, 2009 and was admitted to an E.S.I. Hospital and ultimately referred to Apollo Hospital. The petitioner was also

issued Form No. 10 by the E.S.I. Corporation pertaining to verification of his sickness.

The impugned communication rejecting the representation of the petitioner is primarily on the ground that the petitioner had been unable to furnish a claim in terms of Regulation 44 of the E.S.I.(General) Regulation, 1950 and on the ground that there was no relevant materials furnished by the petitioner to consider his claim.

On behalf of the respondent authorities it is submitted that the claim of the petitioner has been lawfully considered and there are adequate reasons provided for in the impugned communication whereby the claim of the petitioner has been rejected on the ground that the same had not been furnished in accordance with law and there was no claim in the eye of law.

Regulation 48 of Employees' State Insurance (General) Regulation, 1950 provides as follows:

*48. **Evidence in support of claim.** Every person who makes a claim for any benefit shall, in addition to the medical certificate and other forms specifically required under these regulations, furnish such other information and evidence for the purpose of determining the claim as may be required by the appropriate office, and, if reasonably so required, shall for that purpose attend at such office or place as the appropriate office may direct.*

In terms of the above Regulation the petitioner failed to submit the necessary documents *inter-alia* of admission, treatment, discharge and medical certificate from the hospital the petitioner claims to have been admitted in during the relevant period.

The petitioner has also failed to provide any letter requesting for leave for the relevant period. Mere submission of Form 10 is not be considered sufficient to prove the case of the petitioner or make any claims against the said period. There is simply no supporting material.

Moreover, the petitioner has made a demand after a delay of 10 years at least.

In view of the above, the impugned rejection of the petitioner dated December 22, 2023 warrants no interference at all. There are sufficient reasons furnished in rejecting the representation of the petitioner. There is also inordinate and unexplained delay on the part of the petitioner in approaching the authorities. The reasons recorded in the impugned communication are valid and justifiable and warrant no interference at all. There is no perversity nor illegality nor contravention of any law, which justifies any interference by this Court.

In view of the above, W.P.A. No. 19425 of 2024 stands dismissed.

There shall be no order as to costs.

(Ravi Krishan Kapur, J.)