

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

133

CWP-9242-2024

Date of Decision : 24.04.2024

ESIC EMPLOYEES' UNION

... PETITIONER

Versus

DISTRICT ELECTION COMMISSION AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.H.S.Bhatia Advocate
for the petitioner.

Mr. Nitin Gupta, Advocate for
Mr. Prateek Gupta, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of notice dated 03.04.2024 (Annexure P-1) whereby Deputy Director, Employees State Insurance Corporation (for short 'ESIC') has been directed to provide complete details of employees currently working in his office to depute for electoral duty.

2. Mr.H.S.Bhatia, Advocate pointing out instructions dated 18.12.2019 (Annexure P-5) submits that employees of Employees State Insurance Corporation are exempted from election duty, thus, respondent cannot compel the members of petitioner to perform election duty,

3. Notice of motion.

4. Mr. Nitin Gupta, Advocate accepts notice on behalf of respondent No.3 and waives service. He submits that the petitioner has not placed on record

instructions dated 07.06.2023 which are in vogue. The Election Commission in view of amended provisions has issued instructions dated 07.06.2023 whereby exemption given to ESIC has been withdrawn. The employees of ESIC can very well be deputed on election duty. The employees of ESIC shall be deputed in the State of Haryana and elections in State of Haryana are going to take place on 25.05.2024 which is a public holiday. Apart from said day, the employees of ESIC would be required for 3-4 days for training purpose. They would not be further required, thus, work of ESIC is not going to be hampered.

5. Faced with this, the petitioner does not press the present petition.
6. Disposed of as not pressed.

(JAGMOHAN BANSAL)
JUDGE

24.04.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>