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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12582/2024**

URMILA JAISWAL

.....Petitioner

Through: Mr. Kawalpreet Kaur, Mr. Paul
Kumar Kalav and Mr. Amarjit Kumar
Singh, Advocates.

versus

EMPLOYEES STATE INSURANCE CORPORATION AND ORS.

.....Respondents

Through: Mr. Shlok Chandra, Standing Counsel
with Mr. Sushant Pandey, Mr.
Sankalp Sharma and Mr. Madhav
Gawri, Advocates for R-1.
Mr. Nitinjya Chaudhry, Sr. Panel
Counsel with Mr. Rahul Mourya,
Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.09.2024

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1. The grievance of the Petitioner is that her petition/representation dated 24.05.2024, which was duly submitted to the office of Respondent No.1/Authority has not been considered and that payment due to the Petitioner under the Employees' State Insurance Act, 1948 [hereinafter referred to as "ESI Act"] has not been made.

2. Learned Counsel for the Petitioner submits that the predecessor in interest of the Petitioner, namely Mr. Jagdish Jaiswal, was working as a security guard, appointed by Respondent No.2/Company on 12.07.2022. He



passed away while on duty after a cardiac arrest.

2.1 The Petitioner submits that all formalities to claim benefits under the ESI Act were finalised and submitted by the Petitioner, including a claim petition/representation dated 24.05.2024. Learned Counsel submits that despite the foregoing, the Respondent No.1/Authority has not taken any steps for the same.

3. Issue Notice. Learned Counsel appearing for Respondent Nos.1 and 3 accept Notice. None appears on behalf of Respondent No.2, however, no prayer is sought against Respondent No.2.

4. Given the order that this Court proposes to pass today, learned Counsel for the Respondents submit that no counter-affidavit is required to be filed.

5. With the consent of the parties, the matter is taken up for final hearing and disposal today.

6. In view of what has been stated, this Court deems it fit to pass the following directions:

6.1 Respondent No.1 is directed to treat the petition and the claim petition dated 24.05.2024 as a representation, and decide the same, by passing a speaking order.

6.2 The Petitioner and/or his Authorised Representative will be given an opportunity to be present for a hearing before Respondent No.1.

6.3 The Petitioner will be permitted to produce any additional facts or documents in support of his contentions at the time of hearing.

6.4 The Respondent No.1 shall pass a speaking order as expeditiously as possible and, no later than four weeks from today.

6.5 The speaking order shall be communicated to the Petitioner under



acknowledged postal service and e-mail.

7. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open in this regard.

8. The Petition is disposed of with the aforesaid directions.

9. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 9, 2024/pa

Click here to check corrigendum, if any