



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

CWP-6262-2016

Date of Decision : 05.02.2026

M/S SANJEEV KUMAR

.....Petitioner

VERSUS

EMPLOYEES STATE INSURANCE CORPORATION AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ish Puneet Singh, Advocate,
for the petitioner.

Mr. Adarsh Malik, Advocate
for respondents no.1 to 4.

Mr. P.K.Mutneja, Sr. Advocate assisted by
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suverna Mutneja, Advocate,
for respondent no.5.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the legality of order dated 29.12.2015 (Annexure P-3), passed by respondent no.2, as well as order dated 29.09.2015 (Annexure P-2), has been put to challenge.

2. Learned counsel for the petitioner has made only one submission, that the order dated 29.12.2015, passed by the learned appellate authority concerned (respondent no.2), is a totally non-speaking order. It is contended that while disposing of the statutory appeal, the said authority has assigned no reasons, whatsoever.

3. *Per contra*, learned counsel for respondents no.1 to 4, challenged the maintainability of the instant petitioner, and submits that the petitioner without availing the statutory remedy, as available under the provisions of Section 75 of the Employees's State Insurance (ESI) Act, 1948, has straightway approached this Court. However, he fairly concedes that the order dated 29.12.2015, passed by the learned appellate authority concerned (respondent no.2), does not carry any reasons.

4. This Court has examined the said order, and finds that no reason, whatsoever, has been assigned therein, to reach the conclusion, rather, the statutory appeal has been disposed of, in a most casual manner. Therefore, it does not pass the test of legality.

5. Without going into the issue, as to whether, the petitioner has any alternate remedy available to him or not, this Court is of the considered view that the order dated 29.12.2015, passed by the learned appellate authority (respondent no.2), warrants interference, as the same does not pass the test of legality, being a non-speaking order. Accordingly, the order dated 29.12.2015, is hereby, **set aside**, and the *lis* is **remanded** to the learned appellate authority (respondent no.2), to decide the appeal preferred by the petitioner under Section 45AA of the Employees's State Insurance (ESI) Act, 1948, afresh, by passing a speaking order while dealing with all the contentions of the parties concerned.

6. It goes without saying that due opportunity of hearing shall be afforded to the all parties concerned.

7. **Disposed of** accordingly.

8. All pending application(s), if any, also stand **disposed** of accordingly.

February 05, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No