

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 5356 of 2015

Biplab Zaminder

Son of Sri Sanchay Zaminder, resident of Belatand-2, Jhumri Tilaiya, Koderma, PO & PS- Jhumri Tilaiya, District- Koderma ...Petitioner

-V e r s u s-

1. The Regional Officer, Jharkhand Employees State Insurance Corporation, ESI Hospital Campus, Namkum, PO & PS- Namkum, District- Ranchi
2. The Assistant Director, Jharkhand Employees State Insurance Corporation, ESI Hospital Campus, Namkum, PO & PS- Namkum, District- Ranchi ...Respondents

CORAM: - HON'BLE MR. JUSTICE RAJESH SHANKAR

For the petitioner :- Mr. Krishna Murari, Advocate

For the respondents :- Mr. Ashutosh Anand, Advocate

02/04.12.2017

The present writ petition has been filed for quashing the letter no. 60001545430001304/7272015400 dated 28.07.2015 issued to the petitioner, wrongly treating him as Principal of M/s. Ram Govind Institute of Technology, Jhumritilaiya by the respondent no.2 and in pursuance of which, the petitioner was personally called upon to explain as to why an order under Section 45-A of the Employees State Insurance Act, 1948) (in short "ESI Act") be not passed. A further prayer has been made for quashing the order passed by the respondent no.2 under Section 45-A of the ESI Act determining the amount of Rs.22,30,800/- as proposed contribution with direction to deposit the said amount within 15 days, failing which the petitioner would be liable for action under Section 45-C to 45-I of the ESI Act.

The grievance of the petitioner is that he is neither the Principal of M/s. Ram Govind Institute of Technology, Jhumritilaiya nor individually concerned with the said institute and as such, the issuance of notice under Section 45-A of the ESI Act in his name by the respondent no.2 is illegal. It is further submitted that despite the fact that the petitioner apprised the respondent no.2 that he is not individually concerned with the affairs of the M/s. Ram Govind Institute of Technology, Jhumritilaiya, the respondent no.2 vide impugned letter no. 60001545430001304/8262015330 dated 26.08.2015 passed an order under Section 45-A of the ESI Act making determination of contribution to the extent of Rs.22,30,800/- (Annexure-4 to the writ petition).

Mr. Ashutosh Anand, learned counsel for the respondents, submits that on perusal of the impugned letter no.

60001545430001304/8262015330 dated 26.08.2015 (Annexure-4 to the writ petition), it would be evident that the order under Section 45-A of the ESI Act has been passed against the concerned institute i.e. M/s. Ram Govind Institute of Technology, Jhumritilaiya. Otherwise also, the liability, under the provisions of the ESI Act, is of M/s. Ram Govind Institute of Technology, Jhumritilaiya. Moreover, the impugned letter dated 26.08.2015 does not bear the name of the petitioner.

In view of the aforesaid submission of the learned counsel for the respondents, no further order is required to be passed in the present writ petition.

The writ petition is, accordingly, disposed of.

(Rajesh Shankar, J.)