

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 8036 OF 2023

Between:

N Prabhakar Reddy, Son of Sri Vasudeva Reddy, Aged about 44 Years, Resident of
4-2-217, Ankulammampeta, Pulivendula, YSR-Kadapa District

Petitioner

AND

1. The Deputy Director, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
2. The Recover Officer, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T. Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
3. The Branch Manager, State Bank of India, Yerramukkapally Branch Railway Station Road, Yerramukkapally, Kadapa
4. Union of India, rep. by its Principal Secretary, Ministry of Labour and Employment, Central Secretariat, New Delhi - 110001

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.SRINIVASA RAO KUDUPUDI presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in assessing the Petitioner by the 1st Respondent under the Section 85-B of the Employees State Insurance Act, 1948 during the period January, 2017 to March 2021 even though the Petitioner already paid ESI contribution regularly as illegal, arbitrary and contrary to law and in gross violation of principles of natural justice and without authority of law and jurisdiction and set aside the order dated 27.6.2022 and also the consequential recovery order under Section 45-G of the said Act, passed by the 2nd Respondent.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.SRINIVASA RAO KUDUPUDI Advocate for the Petitioner, Smt.S.Siva Kumari, learned standing counsel for Respondent Nos.1 & 2 and of Sri N.Harinath, Deputy Solicitor General

for Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Deputy Director, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
2. The Recover Officer, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T. Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
3. The Branch Manager, State Bank of India, Yerramukkapally Branch Railway Station Road, Yerramukkapally, Kadapa
4. The Principal Secretary, Ministry of Labour and Employment, Union of India, Central Secretariat, New Delhi - 110001

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 10.05.2023 on which date the case stands posted for hearing.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Smt.S.Siva Kumari, learned standing counsel for Employees' State Insurance Corporation, takes notice for respondent Nos.1 & 2.

Sri.N.Harinath, leared Deputy Solicitor General, takes notice on behalf of respondent No.4.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.3 by registered post with acknowledgment due and file proof of service in the Registry.

Post on 10.05.2023 for filing counter.

//TRUE COPY//

**SD/-T.MADHAVI
ASSISTANT REGISTRAR
For ASSISTANT REGISTRAR**

To,

1. The Deputy Director, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
2. The Recover Officer, Sub Regional Office, Tirupathi Employees State Insurance Corporation, K.T. Road, 6-1-77/A, Varadarajanagar, Tirupathi - 517507. Andhra Pradesh
3. The Branch Manager, State Bank of India, Yerramukkapally Branch Railway Station Road, Yerramukkapally, Kadapa
4. The Principal Secretary, Ministry of Labour and Employment, Union of India, Central Secretariat, New Delhi - 110001 (1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI.SRINIVASA RAO KUDUPUDI Advocate [OPUC]
6. One CC to SRI.S.SIVA KUMARI, Standing Counsel [OPUC]
7. One spare copy

SRL

HIGH COURT

RCJ

DATED:26/04/2023

NOTE: POST ON 10.05.2023

NOTICE BEFORE ADMISSION

WP.No.8036 of 2023

