

31-08-2021
ct no. 23
Sl. 08
Sayandeep

W.P.A. 9731 of 2021

Azimuddin Mia

-Versus-

The Eastern Coalfields Limited & Ors.

(Via Video Conference)

Mr. Arup Krishna Das

...for the petitioner

Mr. Manik Das

...for the respondent Nos. 1 to 4

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Ms. Anindita Das

....for Respondent no. 9

The petitioner says that he is in employment of Eastern Coalfields Limited (in short "ECL") and posted at Bejdih Colliery. The petitioner's monthly salary was remitted by ECL to a savings bank account maintained in the petitioner's name with Bank of India, Neamatpur Branch, bearing Account No.423210100029670. The petitioner says that all on a sudden in the first week of November, 2017, the petitioner found that he was not able to withdraw money from the said bank account. The petitioner further says that on enquiry from the bank, he was informed by the concerned Branch Manager that the petitioner's account has been freezed

under the instruction of the Cyber Crime Branch, Thane, Maharashtra. The petitioner also says that he has not been provided with any order or details by the bank pursuant to which his account was freezed save a communication dated 20th December, 2017. The petitioner approached ECL with a prayer to remit his salary to a different bank account maintained in his name with the State Bank of India (in short SBI), Chinakuri Branch. Despite such specific request, ECL has not credited the salary in such bank account and had asked the petitioner to obtain "No Due Certificate" from the Bank of India wherein the petitioner's account was freezed. Being aggrieved by such action on the part of ECL, the petitioner has filed the instant writ petition, inter alia, directing the respondents no.2 to 4 to remit petitioner's monthly salary to the petitioner's account maintained with the State Bank of India, Chinakuri Branch.

On behalf of the Bank of India, the respondents no.9 and 10, it is submitted that the said bank had no issues with the petitioner but was compelled to freeze the account on a specific instruction from the Cyber Crime Branch, Thane, Maharashtra. On query, it is

submitted by the said respondents that an order has been served upon them for freezing the account.

Respondent No. 9, the Bank of India has produced print copy and/or photocopies of three documents in terms of the order dated 17th August, 2021. These documents are taken on record.

On perusal of these documents, I find that the petitioner's bank account maintained with respondent no. 9 had been freezed at the direction of the Senior Police Inspector, Cyber Crime investigation Cell, Thane city, Maharashtra as the Cyber Crime Investigation Cell Crime Branch, Thane city is investigating a case in which unknown persons cheated the complainant and transferred amount to 3 bank accounts. One of which is the petitioner's account maintained with respondent no. 9. The issue before this Court in the instant writ petition is not the defreezing of the account which has been freezed pursuant to the direction given by Senior Inspector, Cyber Crime Branch, Thane, Maharashtra. The issue is remittance of petitioner's salary to a different Bank account apart from freezed account. The petitioner had requested his employer The Eastern Coalfield Limited to remit the

petitioner's salary to the Bank account bearing No. 37338079917 maintained in the petitioner's name with State Bank of India, Chinakuri Branch. ECL has asked for a 'No Objection' Certificate from Bank of India, the respondent No. 9 before remitting petitioner's salary to the petitioner's account maintained with SBI. ECL has not been able to show despite being given an opportunity by adjourning the matter that under the applicable service rules. ECL can demand the "no objection" or that the petitioner is required to produce a "no due certificate" from respondent No. 9 before his salary can be remitted to his account maintained with SBI. The petitioner as an employee of ECL which is not in dispute is entitled to receive salary in any bank account of his choice. The remittance of petitioner's salary to the account maintained with SBI will in no manner hinder the investigation said to be carried on by Cyber Crime Department, Thane City. Particularly at this stage when the petitioner has not been held guilty for any offence by a competent Court or forum. There is also no order directing any recovery to be made from the petitioner for which his salary has to be remitted only to the freezed account for recovery.

On the other hand, if the petitioner is unable to utilize his salary after working at ECL will cause him and his dependant family members to starve. The balance of convenience and inconvenience is overwhelmingly in favour of the petitioner and also in favour of passing orders as prayed for by the petitioner. The petitioner has been able to make out a clear and specific case for which the petitioner is entitled to the orders as prayed for in the writ petition. ECL is directed to remit the salary of the petitioner for the month of August, 2021 and onwards month by month in the petitioner's bank account No. 37338079917 maintained with State Bank of India, Chinakuri Branch without demanding for any "No Objection Certificate" from the respondent No. 9. In the event the salary for the month of August, 2021 has already been remitted to any other account of the petitioner, ECL shall start remitting the petitioner's salary for the month of September, 2021 onwards month by month at the petitioner's Bank account at SBI, Chinakuri branch bearing No. 3733807917.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)