

June 20, 2022
ARDR
(465)

WPA 5629 of 2022

Anil Kumar Agarwal

Vs.

The Employees' State Insurance Corpon. & ors.

Mr. Debjit Mukherjee,

Ms. Sweta Mohanty,

...for the petitioner.

Mr. Mihir Kundu,

...for the ESI.

Affidavit of service filed by the petitioner is taken on record.

The innocuous prayer of the petitioner is for a direction upon the Recovery Officer, Employees' State Insurance Corporation of India, the 3rd respondent herein, to consider the show cause notice submitted on behalf of the petitioner before the authority on 22nd March, 2022.

It is contended on behalf of the petitioner that the petitioner maintains a current account with the 4th respondent which was frozen by the bank without any intimation to the petitioner. The petitioner was subsequently informed that the said act was done by the bank pursuant to a garnishee order dated January 7, 2020 under Section 45G of the Employees' State Insurance Corporation Act, 1948. The petitioner submitted a show cause notice before the authority for providing him certified copies of all the orders passed in the proceeding along with a copy of the recovery certificate.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the show cause notice submitted on behalf of the petitioner and received by the authority on 22nd March, 2022 within a period of four months from the date of communication of this order after giving reasonable opportunity of hearing to the petitioner or his authorised representative, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner or his authorised representative within a week thereof.

With the above directions, WPA 5629 of 2022 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)