

19-11-2025
ct no. 10
Sl.42
RP

WPA 25510 of 2024

Masud Alam Akhon.

-Versus-

Union of India & Ors..

Mr. Tapas Kr. Dey,
Mr. Sujan Roy

...for the petitioner

Mr. Bodhisatta Biswas

...for the respondent no.2 to 4

Mr. Sahasrangshu Bhattacharjee,
Ms. Ashima Roy Chowdhury

...for the respondent no. 1

1. Affidavit-of-service be kept in the record.
2. The parties are represented through their respective Counsels.
3. The petitioner files the instant writ petition for the following reliefs:-

“a. A writ of and/or in the nature of mandamus do commanding the respondent authorities, each one of them their men, agents servants, subordinates and/or assigns to forthwith show cause as to why the petitioners’ appeal/grievances have not been rendered any kinds of importance;

b. A writ of and/or in the nature of mandamus do commanding the respondent authorities, each one of them, their men, agents, servants, subordinates and/or assigns to consider the subject appeal/grievances of the petitioner and direct the respondent authorities to take effective and fruitful steps in terms of his grievances duly depicted in the present writ petition so that the petitioner is not compelled to deposit the unjustified penal amount before the authorities concerned and he is allowed to participate in the financial transactions using his suspended subject current account.

c. A writ of and/or in the nature of certiorari directing the respondent authorities, each one of them, their men, agents, servants, subordinates and/or assigns to forthwith produce and transmit the entire record of the case before this

Hon'ble Court, so that conscionable justice may be administered;

d. *Rule NISI in terms of prayer (a) (b) and (c) as above:-*

e. *To make the Rule absolute;*

f. *An ad-interim order directing the respondent authorities, each one of them, their men, agents, servants, sub-ordinates and/or assigns to consider the subject appeal/grievances of the petitioner and further direct the respondent authorities to take effective and fruitful steps in terms of his grievances duly depicted in the present writ petition so that the petitioner is not compelled to deposit the unjustified penal amount before the authorities concerned and he is allowed to participate in the financial transactions using his suspended subject current account."*

4. The respondent nos. 2 to 4 submits that appeal has been filed by the petitioner beyond the period as prescribed under Section 45AA of the Employees State Insurance Act, 1948 and also did not deposit the 25 per cent of the assessed amount of Rs 2,23,608/-.

5. The petitioner submits that the delay in filing the appeal before the authority concerned be condoned by depositing the 25% of the assessed amount and to allow the interim order as prayed for to defreeze the current account with HDFC Bank, Diamond Harbour Branch, City Bazar, Water Tank Road, Naiya Para, Diamond Harbour, West Bengal-743331.

6. In view of the above, I direct the petitioner to deposit 25 per cent of the assessed amount within a period of 4

weeks before the appellate authority. The appellate authority shall decide the appeal within a period of 6 weeks subject to the payment made by the petitioner.

7. The writ petition is disposed of without going into the merits of the case.

8. It is made clear that the question of defreezing the current account will abide by the result of the appeal and communicate the said order accordingly to the petitioner.

(Smita Das De, J.)