

27.01.2026
Item No.6
Ct. No. 30
Aloke

WPA 1678 of 2026

Puspa Soni
Vs.
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
..for the petitioner

Mr. K.J. Yusuf
Mr. Sourav Choudhuri
...for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for setting aside of the order dated 28.04.2023 passed by the respondent authority under Section 45A of Employees' State Insurance Act, 1948 and to provide opportunity of hearing to the petitioner before the concerned respondent authority.
3. It is submitted by the learned counsel appearing for the petitioner that petitioner could not appear for the said hearing before the authority concerned, who passed the impugned order in spite of several notices, as her husband expired during that period and she being an old ailing lady was not aware of the official procedures in the present case.
4. It is submitted by the learned counsel for the petitioner that against the order dated 28.04.2023, the petitioner filed a representation before the

authority concerned on 24.05.2023 wherein she has stated about her financial constraints because her account has been attached/frozen during the recovery proceedings and has prayed for necessary relief.

5. Copy of death certificate shows that the petitioner's husband expired on 21.07.2023. It is submitted that during the period the proceedings under Section 45A was initiated, the petitioner's husband was suffering from severe ailments including parkinsons disease.

6. Learned counsel for the petitioner however submits that though the said order is appealable, the petitioner is not in a position to prefer an appeal as her accounts have been attached and, as such, being unable to operate, the said account the petitioner is not in a position to pay the mandatory deposit in preferring an appeal.

7. Considering the said fact and the fact that the impugned order under Section 45A challenged before this Court has been passed in the year 2023 and more than two and half years have gone by, since the death of the petitioner's husband, but the provision of law as to appeal has not been taken recourse to by the petitioner.

8. Considering the said fact, this Court has no other option but to dispose of the writ application with a direction to the ESI authorities to consider the

representation dated 24.05.2023 filed by the petitioner before the concerned authority and the petitioner is at liberty to pray for appropriate reliefs including instalments, which the authorities are at liberty to consider sympathetically and proceed in accordance with law.

9. The writ application stands disposed of.

10. Connected application, if any, stands disposed of.

11. Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)