

(2023) 07 OHC CK 0006

In the Orissa High Court

Case No : Writ Petition (C) No.7792 Of 2019

M/s. Upakaran House And Another

APPELLANT

Vs

Chairman, ESIC And Another

RESPONDENT

Date of Decision : 03-07-2023

Acts Referred:

Citation : (2023) 07 OHC CK 0006

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : P. K. Mohapatra, A. P. Ray

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mohapatra, learned advocate appears on behalf of petitioners and submits, under challenge is the determination order dated 8/11th February, 2019. He draws attention to impugned order to submit, his client could not appear on 11th January, 2019 to produce the records as he was unwell. Diagnosis and advice of the doctor will appear from annexure-3 dated 8th January, 2019. One point of advice was rest and physiotherapy because his client had suffered severe low back ache. His client, therefore, was prevented from appearing on 11th January, 2019 and did not have any one to rely upon for giving the information to the Assistant Director.

2. Mr. Ray, learned advocate appears on behalf of the Corporation and opposes the writ petition.

3. Court is satisfied that petitioner was prevented from appearing on 11th January, 2019 with the records, as had been directed on earlier date of hearing on 7th December, 2018. In the circumstances, impugned order dated 8/11th February, 2019 is set aside and quashed. Petitioner or his authorized representative will appear with the record, as had been directed in impugned

order, before the Assistant Director on 28th July, 2023 at 3:00 P.M. The Assistant Director may hear the matter on that date itself or post it to some other date. It is made clear that further prayer(s) for adjournment, if deemed unnecessary, may not be entertained by the Assistant Director.

4. The writ petition is disposed of. It is further made clear, on above directed date and time if petitioner or his agent duly authorized in that behalf does not appear before the Assistant Director, impugned order will stand automatically restored.

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