

(2022) 09 OHC CK 0226
In the Orissa High Court
Case No : Writ Petition (C) No. 25035 Of 2022

Power Planners and Engineers (P) Ltd., Angul	APPELLANT
Vs	
Employees? State Insurance Corporation, New Delhi And Others	RESPONDENT

Date of Decision : 28-09-2022

Acts Referred:

Citation : (2022) 09 OHC CK 0226

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : S. R. Pati

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

W.P.(C) No.25035 of 2022 and I.A. No.13201 of 2022

1. Mr. Pati, learned advocate appears on behalf of petitioner and submits, impugned is garnishee order dated 5th September, 2022, made under section 45-G of Employees' State Insurance Act, 1948 by the Recovery Officer (RO). He submits, his client's banker debited the account by Rs.17,85,706/- on 5th September itself. He relies on clause(iii) under sub-section (3) in section 45-G to submit, it is mandatory for the notice to be forwarded to the principal or immediate employer. His client was not served with any notice. He draws attention to paragraph 12 in the petition to submit, the recovery notice was never served on his client but thereafter, impugned garnishee order issued and said amount already recovered from his client's banker. He files a memo disclosing his client's bank documents. He prays for direction on issuance of notice and interim protection.

2. Issue notice along with this order on opposite party nos.2 and 3 by registered/speed post with A.D. Petitioner will put in requisites. No further effect be given to impugned order till next date.

3. The I.A. is disposed of.

4. List on 19th October, 2022.

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