
(2021) 01 JH CK 0060

In the Jharkhand High Court

Case No : Writ Petition(C) No. 4106 Of 2020, I.A. No. 6501 Of 2020

Telco Club, Jamshedpur

APPELLANT

Vs

State Of Jharkhand & Ors

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Employees' State Insurance Act, 1948 — Section 45(A)

Citation : (2021) 01 JH CK 0060

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : V.P. Singh, Rashmi Kumar, Ashutosh Anand

Final Decision : Disposed Of

Judgement

The present case is taken up through video conferencing.

Mr. V.P.Singh, learned Senior Counsel for the petitioner, submits that the words ""State of Jharkhand"" have wrongly been mentioned in the description

of the respondent no. 3, hence it is prayed that the said part of description of the respondent no. 3 may be ordered to be deleted.

Ordered accordingly.

Considering the present situation prevailing due to outbreak of coronavirus (Covid-19) pandemic, office is directed to delete the words ""State of

Jharkhand"" mentioned in the description of the respondent no. 3, as prayed above, in the cause title of the writ petition.

The present writ petition has been filed for quashing the prohibitory order as contained in letter dated 07.12.2020 issued by the respondent no. 3- the

Recovery Officer, Employees State Insurance Corporation, Namkum, Ranchi, in E.S.I. Case No. 13 of 2019 whereby the said respondent has

directed the Branch Manager, Bank of India, Telco Town Branch, Telco, Jamshedpur to prohibit and restrain the petitioner from operating the Bank

Account No. 450120100010081 and to freeze its other Account(s) if existing in any other Branch of the said Bank by informing the same to the

respondent no. 3, despite the orders of Labour Court, Jamshedpur passed on 04.01.2020 and 20.01.2020 directing no coercive step to be taken against the petitioner.

Mr. V.P. Singh, learned Senior Counsel for the petitioner, while assailing the impugned prohibitory order dated 07.12.2020, submits that the respondent

no. 3, despite the orders dated 04.01.2020 and 20.01.2020 passed by the Labour Court, Jamshedpur in E.S.I. Case No. 13 of 2019, proceeded to issue

the same with undue haste. It is further submitted that in fact the proceeding initiated against the petitioner under Section 45(A) of Employees' State

Insurance Act, 1948 had not been concluded before issuance of the prohibitory orders dated 20.12.2019 as well as 07.12.2020 (impugned herein).

Mr. Ashutosh Anand, learned counsel appearing on behalf of the respondent nos. 2 and 3, submits that in pursuance of impugned prohibitory order

dated 07.12.2020, the due amount against the petitioner has already been remitted by the Bank except the outstanding dues/interest to the extent of

Rs.1,525/-.

Keeping in view that the substantial amount in pursuance of the prohibitory order dated 07.12.2020 issued by the respondent no. 3 has been realized

from the concerned bank account of the petitioner, the same shall henceforth be defreezed for its normal operation. The realization of the amount in

pursuance of the impugned prohibitory order dated 07.12.2020 issued by the respondent no. 3 shall be subject to the outcome of the writ petition.

I.A. No. 6501 of 2020 stands disposed of.

Mr. Ashutosh Anand, learned counsel for the respondent nos. 2 and 3, prays for and is allowed three weeks' time to seek instruction and file counter affidavit.

Put up this case after three weeks under the heading ""For Admission"".