

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**[Civil Writ Jurisdiction]**

**W. P. (L) No. 1358 of 2021**

M/s Everest Human Resource Consultant Through its Proprietor, Major Vinoy Krishna (Retd.), S/o Late Damodar Prasad Sharma.. .... Petitioner(s)

Versus

1. Employees State Insurance Corporation through its Regional Director, Namkum, Ranchi.
2. Assistant Director, Employees State Insurance Corporation, Namkum, Ranchi
3. Recovery Officer, Employees State Insurance Corporation, Namkum, Ranchi.  
.. ... Respondent(s)

.....  
**CORAM : HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through :-Video Conferencing)**

.....  
For the Petitioner(s) : Mr. Mahesh Tewari, Advocate  
Mr. Gautam Rakesh, Advocate.  
For the Respondent (s) : Mr. Ashutosh Anand, Advocate  
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**06 / 09.09.2021.** Heard, learned counsel for the parties.

Mr. Mahesh Tewari, learned counsel for the petitioner assisted by learned counsel, Mr. Gautam Rakesh has submitted that petitioner-M/s Everest Human Resource Consultant through its Proprietor Major Vinoy Krishna (Retd.) has preferred this Writ Petition for quashing the notice of demand to defaulter issued in FORM No.ESI CP-2 in Certificate Proceeding No.11672/2021 under Section 45-C to I of the Employees State Insurance Act, 1948 against the petitioner.

Learned counsel for the petitioner has further submitted that the instant Writ Petition was filed at the time when Labour Court was not functioning, but pursuant to the order passed on 13.04.2021, passed by co-ordinate Bench of this Court, the Secretary, Labour, Employment, Training and Skill Development Department, Government of Jharkhand has filed an affidavit on 23.06.2021 stating therein that on recommendation of the Hon'ble High Court of Jharkhand, the service of the Presiding officers is provided by the Department of the Personnel Administrative Reforms and Rajbhasha, Government of Jharkhand to the Department of Labour Employment, Training and Skill Development, Government of Jharkhand by issuing a notification. Thereafter all the Labour Courts, namely, Ranchi, Dhanbad and Hazaribag are filled up.

Learned counsel for the petitioner has further submitted that under the circumstances, the petitioner may be permitted to withdraw this Writ Petition to consider the prayer made in an application filed under Section 75 of the Employees State Insurance Act, 1948.

Mr. Ashutosh Anand, learned counsel for the respondent has submitted that this Court has earlier directed the petitioner to deposit Rs.20,000,00/-, which has not been deposited rather they have filed an application for depositing the Bank

guarantee, as such, the said order has not been complied with.

Be that as it may, the petitioner is permitted to withdraw the instant Writ Petition with a liberty to avail remedy under the law.

Consequently, the interim order granted earlier by this Court stands vacated.

However, Labour Court shall consider the matter as expeditiously as possible without being prejudiced of withdrawal of the instant Writ Petition.

All pending I.As stand closed.

**(Kailash Prasad Deo, J.)**

Sandeep/