



कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, CIG ROAD, NEW DELHI - 110002.
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(हितलाभ शाखा - 1/BENEFIT BRANCH - I)
मुख्यालय/HEADQUARTERS OFFICE

F.No. 54/09/2013-Bft. I

Dated : 09th January, 2014.

To,

The Regional Director,
Regional Office,
Employees State Insurance Corporation,
Kerala.

Subject : **Accident Benefit case of Shri Sajith Kumar, Ins. No. 5401768313 – Reg.**

Sir,

I am directed to refer to your letter No. 54.C.12.12.(151)2012.Bft. dated 11.10.2013 on subject cited above.

2. In this regard, I would like submit that no where in Section 1(3), Section 2(9) and 2(8) it is written that if the IP is working in non implemented area his case will not be considered as employment injury.
3. The Section 2(9) (i) of ESI Act, 1948 clearly states that such employee can do work in the factory or establishment or elsewhere. The word used as elsewhere includes any space including non-implemented area.
4. All persons who are employee as per the definition of Section 2(9) will be coverable under the ESI Act, 1948 unless he is notified as exempted employee under Section 2 (10) read with Section 88 of ESI Act, 1948.
5. It is observed that in instant case the appropriate government has issued exemption to those employees who are working in non-implemented area from the applicability of Chapter IV and V of ESI Act, 1948 on condition that such employer shall maintain a register showing the names and designations of the exempted employees. Unless this condition is fulfilled the employee is not exempted under this notification.

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दिनांक / Date. 10/1/14.....

Contd. Page No. 2/-

6. It is further stated in exemption that the contribution paid in respect of the employees during the period before he is exempted under this notification shall not be refunded and the employees shall continue to receive such benefits under the said Act to which he would be entitled on the basis of the contribution paid in respect of him.

7. The employee will be exempted from the date when the Principal Employer fulfills condition of such exemptions and till such period the contribution shall not be refunded to employer and the employee shall continue to receive such benefit under the ESI Act, 1948 to which he is entitled on the basis of the contribution paid in respect of him.

8. In view of above Rule position, you are directed to reconsider the case on merit of facts of the case and not to reject the case on unreasonable technical grounds.

These issues with the approval of Insurance Commissioner (Benefit).

Yours faithfully,



(Heera Singh)
Deputy Director (Benefit)

Copy to :

- ✓ 1. W.C.M. with a request to upload the information on official website.



Deputy Director (Benefit)