

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.648 of 1996 (O&M)
Date of Decision: May 06, 2015**

M/s Bright Steel House

.... Appellant

vs.

Employees' State Insurance Corporation

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anil Shukla, Advocate for the appellant.

Mr. B.S. Bhatia, Advocate for the respondent.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Challenged in the present appeal is the order dated 16.09.1995 passed by the Presiding Officer, Employees Insurance Court, Chandigarh (in short 'the ESI Court'), vide which the application of the applicant (appellant herein) under Section 75 of the Employees' State Insurance Act, 1948 (in short 'the ESI Act') for quashing the order dated 31.03.1993, was dismissed.

The petitioner-appellant had claimed before the ESI Court that the impugned order is illegal. It comes out that the premises of the appellant were visited by the Inspector of respondent Employees State Insurance Corporation (in short 'the ESIC') on 10.03.1993 and it was found that manufacturing process with the aid of power was going on and 16 persons were employed. Therefore, the provisions

the ESI Act were made applicable to the petitioner concern w.e.f. 10.03.1993.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The contention of learned counsel for the petitioner-appellant is that the ESI Court had taken the view that the petitioner-appellant had not produced the attendance record before the court. However, it comes out that Dharam Pal, partner of the petitioner-Company entered into the witness box as PW1 and produced the ledger, cash book, salary and wages slips maintained by the petitioner-appellant, wherein the three regular employees and four casual labourers were recorded to be working. The inspection was carried out in discharge of the official duty and 16 persons were found working. It is possible that the attendance of all the employees working in the premises were not recorded and the presence of only regular employees were recorded. Therefore, the report submitted by the Inspector of the ESIC cannot be disbelieved. No further point has been pressed.

Thus, I do not find any merit in the present appeal and the same is accordingly dismissed.

May 06, 2015
sarita

(KULDIP SINGH)
JUDGE