

IN THE HIGH COURT OF ORISSA AT CUTTACK

M.A. No.288 of 2001

**The Regional Director, E.S.I. Appellant
Corporation**

-versus-

M/s. Auto Garage Respondent

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
08.07.2022**

Order No

- 15.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Roy, learned counsel for the Appellant and Mr. Biswal, learned counsel on behalf of Respondent.
3. This appeal has been filed by the Corporation challenging the order dtd.30.11.2000 passed in ESI dispute Case No. 11 of 1996 by the learned Addl. District Judge –cum- Employees’ Insurance Court, Rourkela.
4. Mr. Roy, learned counsel for the Appellant submitted that learned Tribunal without proper appreciation of the materials exhibited before it, held that the Respondent-Firm was not having the required number of persons in their wages list and accordingly passed the impugned order by holding that the Auto Garage is not entitled to be covered under the provision of ESI Act. Mr. Roy, learned counsel for the Appellant brought to the notice of this Court

that attendance register of the said auto garage, which was exhibited as Ext. A. The said attendance register clearly shows the engagement of ten (10) persons in the establishment of the Respondent.

5. In view of that this Court is of the opinion that learned court below has not appreciated the materials produced before it in its proper prospective and passed the impugned order. Therefore, this Court while setting aside the said order remand the matter to the learned court below with a direction to pass a fresh order by giving opportunity of hearing to both the Parties. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

6. The appeal is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha