



**BEFORE THE EMPLOYEES' STATE INSURANCE COURT
AT MYSURU**

DATED THIS THE 29TH DAY OF JULY 2026

Present:- **Sri.Narashimsa M.V**, B.Com.,LL.B,
Judge,

E.S.I. APPLICATION NO. 77/2018

Applicant: M/s. Vani Vilas Water Supply Board,
Mysuru City Corporation,
Mysuru-570 001.
Represented by
its Executive Engineer.

(By **Sri.K.C.Kalingappa**, Advocate)

-Vs-

Respondent: The Deputy director,
Employees' State Insurance
Corporation, Sub Regional Office,
I Floor, ESI Dispensary Building,
Bademakan Extension,
Bengaluru-Mysuru Road,
Mysuru-570 007.

(By **Sri. Swarnarka Chowdhury**,
Advocate)

**ORDER ON APPLICATION U/S. 75(1)(G) OF THE ESI ACT,
1948**

Being aggrieved by order dated 19.07.2018 passed by
Deputy Director/Authorized Officer, E.S.I. Corporation, Mysuru
U/s.45-A of ESI Act, directing Applicant to pay contribution of

Rs,2,17,645/- for the period 09.10.2017 to 30.04.2018, Vani Vilas Water Supply Board, Mysuru City Corporation, Mysuru/applicant has filed this Application U/s.75(1)(g) of the ESI Act.

2. Brief facts narrated in application are as under:

ESI authorities have generalized the applicability of ESI Act, hurriedly conducted survey and submitted report, issued Form No. C-11 directing the employer to register the establishment. ESI authorities have attempted to cover applicant's-establishment on the claims made by few anonymous applicants. Respondent issued notice to Vani Vilas Water Supply Board, which is a non-existing entity, this fact was brought to the notice of respondent by Mysuru city Corporation vide letters dated 22.01.2018 and 26.06.2018. Vani Vilas Water Supply Works is a department/division of Mysuru City Corporation, it is not a separate entity, it is part and parcel of Mysuru City Corporation, a local body. Mysuru City Corporation has employed employees, salaries are paid to them as per Government Order, ESI Act is not applicable to workers of Mysuru City Corporation. Despite applicant giving explanation to ESI Corporation (respondent) clearly indicating that ESI Act is not applicable to Mysuru City Corporation and that it is extending medical benefits to its employees, Vani Vilas Water Supply Works is not a factory or establishment as

defined under ESI Act, respondent has passed order under Section 45-A of ESI Act.

3. Social Security Officer of ESI Corporation/respondent visited the premises of applicant, insisted that applicant should be covered under ESI Act. No enquiry has been held by respondent, opportunity to put forth facts has not been given, order U/s. 45-A of ESI Act has been passed on 19.07.2018 on the basis of unscientific and assumed wages, order passed U/s.45-A of ESI Act is erroneous, imaginary and unscientific. Applicant has urged the following grounds in support of the application:

a) That the Order at Annexure-A is unsustainable in law and facts,

b) There is no proper application of mind by the respondent and the said order is passed in an arbitrary and mechanical manner. The order has been passed because there is provision to do so.

c) The ESI corporation has failed to appreciate that there is no entity called as Vani Vilas Water Supply Board and further, failed to appreciate that Water supply in Mysuru is done by Mysuru city Corporation through Vani Vilas Water Supply Works,

d) The respondent has not applied his mind and acted arbitrarily, negligently and has failed to follow the due process of law.

e) The applicant has been put into great hardship and irreparable loss since the respondent has failed to give any reasonable opportunity to the applicant to present its case.

f) The applicant-establishment submits that the demand of ESI contributions and threatening to recover the amount from the applicant establishment is contrary to the natural law of justice. The act of respondent adopting coercive method to demand and forcing the applicant establishment to pay the ESI contribution does not envisage for a healthy proposal.

g) The respondent should not have hurriedly arrived at the conclusion without considering material substance and further the respondent shall not apply general yardstick, falsely determine and demand contribution from the applicant-establishment.

4. Interim application Under Section 75(2-B) of ESI Act for stay of operation of the order dated 19.07.2018 was filed by applicant, respondent has filed objections to said application, it

appears that no order has been passed on Interim applications.

5. Notice of this application issued to respondent was received by it. Respondent engaged Advocate. Respondent has filed objections, its contents are as under:-

(a) Respondent has denied averments made in Para 2 to 6 of application. Respondent has stated that a complaint was received regarding non-coverage and not providing ESI benefits to employees working in Vani Vilas Water Supply Works, Mysuru. Social Security Officer was directed to investigate the complaint, examine the issues regarding coverage of ESI benefits. Social Security Officer visited the office of executive engineer, Vani Vilas Water Supply Board, Mysuru for investigation and verification of records, but the said officer did not produce any records. However, Social Security Officer obtained copy of Government Order dated 12.12.2012 regarding equal pay to contractual employees, attendance and wage register were not provided to Social Security Officer. Thus Social Security Officer obtained individual employees details alongwith signatures of employees who were present during visit by Social Security Officer, prepared a report and submitted to ESI corporation.

(b) As per observations made by Social Security Officer, Vani Vilas Water Supply Board is a unit of private property Mysuru

City Corporation, has engaged employees through contractors. In turn, those contractors have engaged workers, those workers/ employees are directly being paid salary based on equal pay for equal work, those workers are being paid only Rs.100/- towards medical allowance. Respondent in objections has referred to Section 1(4) of ESI Act. Respondent has contended that ESI Act is applicable to all factories including factories belonging to government, other than seasonal factories. In objections respondent has stated that applicant has not produced any documents to show that its establishment is under the control of Government or any relevant records in support of its contentions.

(c) Respondent by invoking jurisdiction U/s.45-A of ESI Act has determined Rs.2,17,645/- as contribution payable on Adhoc basis, for the period 09.10.2017 to 30.04.2018. Respondent in objections has stated that ESI Act is a social beneficial legislation, meagre contribution of 1.7% from wages of employee and 4.75 per cent being share of employer is being collected, employee's/ workers in applicant's units are not being provided with any social security benefits. ESI Act is applicable to applicant's units. Applicant has failed to establish that its workers are receiving benefits similar or superior to the benefits provided under ESI Act.

(d) Respondent has contended that ESI Act is applicable to all employees of applicant's unit, whose salaries are within the

ceiling limit. Respondent has stated that applicant was allotted Code No. 730003555100010999. applicant failed to submit return of contribution, failed to pay contribution for the period 10/2017 to 04/2018, thus C-18(Adhoc) notice was issued in so far as 43 employees are concerned on assumed wages of Rs.11,550/-, personal hearings were fixed on 26.06.2018 and 11.07.2018, applicant or its representative did not appear. Applicant being the principal employer was duty bound to pay ESI contribution, applicant has failed to provide information to respondent. Thus by invoking powers U/s.45-A of ESI act, order was passed, said order is legal, valid and is not amenable to challenge.

6. Based on the pleadings, my learned predecessor on 16.12.2019 has framed the following Issues :

- 1. Whether the Applicant proves that the orders passed by the respondent under ESI Act dated 19.07.2018 is illegal, unjust and contrary to law?**
- 2. Whether the applicant is entitled for relief sought for?**
- 3. What Order?**

7. On behalf of applicant, its Asst. Executive Engineer Sri. Ravi Kumar has filed examination in chief by way of affidavit, he is examined as AW-1, through him, Ex.A-1 to Ex.A-3 are marked.

Ex.A-1 is authorization letter, Ex.A-2 is office memorandum dated 05.12.2012 and Ex.A-3 is order passed by respondent U/s.45-A of ESI Act dated 19.07.2018. AW-1 is cross-examined by learned advocate for respondent. During cross-examination of AW-1, Ex.R-1 is marked by confrontation.

8. Respondent examined Smt. Shobha Social Security Officer, Regional Office, ESI Corporation, Mysuru, she has filed her examination in chief by way of affidavit and through her, Ex.R-2 to R-10 are marked. Ex.R1 is attested copy of C-11 notice dated 17/11/2017 issued by respondent. Ex.R-2 is attested copy of C-10 Form dtd: 09/10/2017, Ex.R.3 is attested copy of Survey Report of unit dtd: 09/10/2017 along with enclosures, Ex.R-4 is attested copy of C-11 Notice dtd: 17/11/2017, Ex.R-5 is Attested copy of C-18(Adhoc) dtd: 30/05/2018 for Rs.2,17,645/- for the period from 10/2017 to 04/2018 along with postal acknowledgment, Ex.R-6 attested copy of employer letter dtd. 22.01.2018, Ex.R.7 is attested copy of reply letter dtd. 22.02.2018, Ex.R-8 is attested copy of notesheet of personal hearing dated 26.06.2018, Ex.R-9 is attested copy of order U/s 45-A dtd: 19/07/2018 for Rs.2,17,645 for the period from 10/2017 to 04/2018 along with postal acknowledgment and Ex.R-10 is attested copy of C-6 Register.

9. Heard oral arguments of both sides.

10. Learned advocate for applicant has relied upon Judgment passed by Hon'ble High Court of Judicature at Madras in CMA No.1350/2023, 1355 of 2023, CMP No.s.13545 and 13579 of 2023.

11. Learned Advocate for respondent has relied upon the following citations :-

(1) MFA No.3687/2016 of Hon'ble High Court of Karnataka between The Assistant Commissioner V/s. M/s. Sansera Engineering Pvt Ltd.;

(2) MFA No.3685/2016 of Hon'ble High Court of Karnataka between the Assistant Director V/s. M/s. A.G.Sons Interiors Pvt Ltd.,

(3) MFA. No.7749/2013 of Hon'ble High Court of Karnataka between M/s Group 4 Securitas Guarding Limited V/s. The Regional Director.

12. My findings on the above Issues are as follows:-

Issue No.1: In the **Affirmative**,

Issue No.2: In the **Affirmative**

Issue No.3: As per final order, for the following;

REASONS

13. **Issue No. 1 & 2:** Both these issues are inter-related, hence they are taken up together for discussion to avoid repetition of facts.

14. It is necessary to note events that have taken place prior to passing of impugned order dated 19.07.2018 U/s.45-A of ESI Act. Specific case of respondent is that a complaint was received regarding non-coverage of employees of applicant-establishment under ESI Act. Portion of para-2 of objections filed to main application is as under:

“It is submitted that the respondent received complaint regarding non-coverage and non-providing of ESI benefits to the employees working in M/s. Vani Vilas Water Supply Board, Mysuru. Accordingly, as per the complaint received regarding non-coverage and non-providing of ESI benefits. Social Security Officer of respondent/Corporation was directed to investigate the complaint and examine issues regarding coverage of employees under the provisions of ESI Act.”

15. Name of the person, who gave such complaint to ESI Corporation, the date on which it was given, manner in which it was given is not stated in objection. During cross-examination of RW-1, specific question in this regard is put to RW-1, portion of cross- examination of RW-1 is extracted below:

"ಪ್ರಶ್ನೆ: ನಿಮ್ಮ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಕಂಡಿಕೆ 2 ರಲ್ಲಿ ವಾಣಿ ವಿಲಾಸ್ ವಾಟರ್ ಸಪ್ಲೈ ಬೋರ್ಡ್ ನ ಕಾರ್ಮಿಕರಿಗೆ ಇ.ಎಸ್. ಐ. ಸೌಲಭ್ಯ ದೊರಕುತ್ತಿಲ್ಲ ಎಂದು ದೂರು ಬಂದಿತ್ತು ಎಂದು ಹೇಳಿರುತ್ತೀರಿ , ಸದರಿ ದೂರನ್ನು ಯಾರು , ಯಾವಾಗ ಎಲ್ಲಿ ಕೊಟ್ಟರು ಎಂಬ ವಿವರಗಳನ್ನು ಹೇಳಿ?"

ಉತ್ತರ: ದೂರು ಶಾಖೆಯಿಂದ ಎಸ್ ಎಸ್ ಒ ರವರಿಗೆ ಮಾಹಿತಿ
ಬಂದಿರುತ್ತದೆ ದೂರು ಶಾಖೆಯಿಂದ ಮಾಹಿತಿ ಪಡೆದು ಉತ್ತರ ಹೇಳಬಲ್ಲೆ."

16. Identity of person who gave complaint to ESI Corporation has not been disclosed. Respondent has not produced copy of said complaint. On 09.10.2017, Social Security Officer has conducted preliminary inspection. Copy of preliminary inspection report has been produced by respondent as Ex.R-2. Perusal of Ex.R-2 reveals that name and address of factory/establishment is mentioned as Vani Vilas Water Supply Board, Mysuru City Corporation, Mysuru. It is the specific contention of respondent that Vani Vilas Water Supply Board is an independent entity and that it has nothing to do with Mysuru City Corporation. On the other hand, primary contention taken up by applicant is that, Vani Vilas Water Supply Board is a non-existing entity, but Vani Vilas Water Supply Works is part and parcel of Mysuru City Corporation. Applicant has described itself in cause title of application as:

M/s. Vani Vilas Water Supply Board,
Mysuru City Corporation.
Represented by its Executive Engineer.

17. Executive Engineer of Vani Vilas Water Supply Division Mysuru Nagarapalike has verified application and has executed vakalth at the time of filing of this application. Even in Ex.R-2, Mysuru City Corporation is referred to as factory/establishment. Ex.R-3 is the certified copy of report

dated 09.10.2017, submitted by Social Security Officer, ESIC., Mysuru to Deputy Director, Inspection Branch, ESIC., Sub Regional Office, Mysuru. In Ex.R-3, there is reference to visit made by SSO., to Ramanahalli unit, on 22.09.2017; Melapura unit on 28.09.2017; and NR Mohalla unit on 03.10.2017. At the time of visit SSO has obtained individual data and signatures of the Time scale employees who were present at site. List of 22 employees, who were said to be working in Ramahanahally unit, list of 11 employees of Melapur Unit is part and parcel of Ex R-3. Particulars collected at N.R. Mohalla unit has not been produced before this Court. Ex.R-3 discloses that in Ramanahally unit, there were 14 employees. Further in shift-1 of Ramanahalli unit, there are 8 employees; in Melapura unit, there are 11 employees. In the list of employees annexed to Ex.R-3, date of appointment of employee is shown as 12.02.2012.

18. This aspect indicates that as on 22.09.2017, employees had put in at least five years of service. Para. No.4, of intimation dated 17.11.2017 (Ex-R-1), issued by Assistant/Deputy Director, ESIC., Mysuru to Vani Vilas Water Supply Board is as under :-

(4) “ On the basis of the particulars in respect of your factory/establishment submitted by you/on the basis of the report of the inspection conducted by Social Security Officer, who inspected your establishment on -NA-, your establishment falls within purview of Section 1(5) of the Act w.e.f.

09.10.2017. In case, however subsequent facts reveal that your establishment was coverable from a date prior to the date mentioned above, you shall make yourself liable to comply with the provisions of the act from such earlier date.”

19. Plain reading of Para 4 of Ex R-3 indicates that 09.10.2017 is considered as starting point of ESI coverage. It also indicates that period prior to 09.10.2017 is not considered as coverage period by respondent.

20. Ex.R-6 is reply dated 22.01.2018 issued by K. Purushotham & Associates, Advocates, to C-11 notice dated 17.11.2017 (Ex.R-4) and letter dated 20.11.2017 issued by Deputy Director, ESI Corporation. In Ex. R-6, it was intimated to Deputy Director, ESI Corporation that Vani Vilas Water Supply works has engaged assistance of independent licensed contractors, who in turn, engaged their own workers in order to get assigned work done. Vani Vilas Water Supply works comes under the sovereign nature of work, does not come under the definition of either shop or factory or a commercial establishment as defined under ESI Act, hence, ESI Act is not applicable to it and Vani Vilas Water Supply Works should be treated as an exempted establishment and opportunity of personal hearing should be given.

21. Ex. R-8 is certified copy of proceeding sheet maintained by Authorised Officer of respondent, it discloses that date for

personal hearing has been fixed on 26.06.2018 and 11.07..2018. L.S.Manjunath, Junior Advocate has appeared, but has not produced any documents. On 11.07.2018, no one has appeared on behalf of applicant and order dated 19.07.2018 U/s.45-A of ESI Act (Ex R-9) has been passed.

22. It is necessary to note that in Ex. R-8, there is no mention about authorization being filed by L. S. Manjunath or any other advocate to represent the applicant. Order vide Ex.R-9, is passed against M/s. VaniVilas Water Supply Board, Mysuru City Corporation, Code No.730003555100091099, situated at Mysuru. Operative portion of order dated 19.07.2018 is as under:

“ For the reasons I Subhash Chandra Lal, Deputy Director in exercise of the powers delegated to me by the E.S.I. CORPORATION, think fit and accordingly order that contributions totaling Rs.2,17,645/- (Rupees Two Lakh Seventeen Thousand Six Hundred and Forty Five only) is finally determined as arrears of contribution payable by the employer in respect of the claim of the said show cause notice for the period under this Show Cause Notice i.e. 09.10.2017 to 30.04.2018 and you as Principal Employer are hereby ordered to pay the said amount within 15 days from the date of this order failing which it shall be caused to be recovered under Sec 45 C to 45 I of the ESI Act 1948 (as amended).”

23. First and foremost, ESI Corporation has to establish that Vani Vilas Water Supply Board is a separate and distinct legal entity, it has to register itself under ESI Act, has to comply with the provisions of ESI Act, is required to file returns and pay contribution.

24. As per Ex-R-3, Social Security Officer visited, unit at Ramanahalli on 22.09.2017, unit at Melapura on 28.09.2017 and unit at N.R.Mohalla on 03.10.2017, at that time, individual data and signature of time scale employees, who were present in the premises has been obtained and those datas are enclosed with Ex.R-3. Though Ex.R-3 speaks about four enclosures/data sheets, individual data sheet pertaining to N.R.Mohalla (Kavi Ramamandir) is not produced before this Court. Data sheets contains name of employees, father's name of employees, date of appointment and signature of employees. Date of appointment of each employee is shown as 12.12.2012. In so far as Melapura unit is concerned, employee at Sl. No.1 is Sri. Shivalingaiah, his date of appointment is shown as 2003-2012.

25. Respondent in Para No.3 of objections has stated as under:

“However, Social Security Officer had obtained the copy of Government order dated 12.12.2012 regarding payment of equal pay to contractual employees of Vani Vilas Water Supply Board, office order issued by Mysuru City Corporation.”

26. Respondent has produced copy of Government order bearing **No/ನಅಇ85 ಎಂಎನ್‌ಇ 2009** ಬೆಂಗಳೂರು ದಿನಾಂಕ: 05.12.2012. Operative portion is as under:

“ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆ ವಾಣಿ ವಿಲಾಸ ನೀರು ಸರಬರಾಜು ಕಾರ್ಯಾಲಯದ ವ್ಯಾಪ್ತಿಯ ನಗರ ನೀರು ಸರಬರಾಜು ವ್ಯವಸ್ಥೆ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿರುವ 308 (ಅನುಬಂಧದಲ್ಲಿರುವ) ಗುತ್ತಿಗೆದಾರರ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಹೆಚ್ ಯುಡಿ 221 ಕೆಎಂಆರ್ 1986, ದಿನಾಂಕ 3/4/1986 ಮತ್ತು 16/5/1986 ಹಾಗೂ The contract labour (Regulation and Abolition) Act, 1970 Sec. 25(2)(v) (a)ರನ್ವಯ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನವನ್ನು ಅವರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಆಯಾ ಹುದ್ದೆವಾರು ವೇತನ ಶ್ರೇಣಿಯ ಮೂಲವೇತನ ಹಾಗೂ ಇತರೆ ಭತ್ಯೆ ಪಾವತಿಸಲು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹಾಗೂ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗೊಳಪಟ್ಟು ಮಂಜೂರಾತಿ ಆದೇಶ ಹೊರಡಿಸಿದೆ.

ಷರತ್ತುಗಳು

1. ಸದರಿ ನೌಕರರ ವೇತನವನಲು ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ಸಂಪನ್ಮೂಲಗಳಿಂದ ಭರಿಸತಕ್ಕದ್ದು,
2. ಸದರಿ ನೌಕರರು ಖಾಯಂಗಾಗಿ ಮನವಿ ಸಲ್ಲಿಸುವುದಿಲ್ಲವೆಂಬ ವೈಯುಕ್ತಿಕವಾಗಿ ಮುಚ್ಚಳಿಕೆ ಪತ್ರವನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಡೆಯುವುದು,
3. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಕಾಇ 275 ಎಲ್ ಡ್ಯೂ ಎ 2005, ದಿನಾಂಕ 2/11/1986ರಲ್ಲಿ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ನೀರು ಸರಬರಾಜು ವಿಭಾಗದಲ್ಲಿ ಕಾರ್ಮಿಕ ಗುತ್ತಿಗೆ ಪದ್ಧತಿ ರದ್ದಾಗಿರುವ ಕಾರಣ ಸದರಿ ನೌಕರರಿಗೆ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆ ವತಿಯಿಪ್ಪಿಂದ ನೇರವಾಗಿ ವೇತನ ಪಾವತಿಸುವುದು,

4. ಈ ಆದೇಶವನ್ನು ಅನುಸರಿಸಿ ಮುಂದೆ ಖಾಯಂಗೊಳಿಸುವುದು ಸೇರಿದಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯಗಳ ಮೊರೆ ಹೋಗುವುದಿಲ್ಲವೆಂಬ ಮುಚ್ಚಳಿಕೆ ಪಡೆಯತಕ್ಕದ್ದು,

27. Respondent has produced copy of official memorandum issued by Commissioner, Mysuru City Corporation bearing No.ಆಯುಕ್ತರು/ಮೈನಪಾ/ವಾವಿನೀಸ(ವಿ)/ಸಿ/1/1705/12-13 dated 12.12.2012. Operative portion is as under :

“ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆನಅಇ 85 ಎಂಎನ್‌ಇ 2009 ಬೆಂಗಳೂರು, ದಿನಾಂಕ 5ನೇ ಡಿಸೆಂಬರ್, 2012ರ ಅನ್ವಯ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಗರ ನಿರು ಸರಬರಾಜು ನಿರ್ವಹಣೆಯ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುತ್ತಿರುವ 308(ಅನುಬಂಧದಲ್ಲಿರುವ) ಗುತ್ತಿಗೆದಾರರ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಸಮಾನ ವೇತನವನ್ನು ಸದರಿ ನೌಕರರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಆಯಾ ಹುದ್ದೆವಾರು ವೇತನ ಶ್ರೇಣಿಯ ಮೂಲವೇತನ ಹಾಗೂ ಇತರೆ ಭತ್ಯೆ ಪಾವತಿಸಲು ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿರುವ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಈ ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಆದೇಶಿಸಿದೆ.

1. ಸದರಿ ನೌಕರರ ವೇತನವನ್ನು ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ಸಂಪನ್ಮೂಲಗಳಿಂದ ಭರಿಸತಕ್ಕದ್ದು,

2. ಸದರಿ ನೌಕರರು ಖಾಯಂಗಾಗಿ ಮನವಿಸಲಿಸುವುದಿಲ್ಲವೆಂಬ ವೈಯುಕ್ತಿಕವಾಗಿ ಮುಚ್ಚಳಿಕೆ ಪತ್ರವನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಡೆಯುವುದು,

3. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆಕಾಇ 275 ಎಲ್ ಡಬ್ಲ್ಯು 2005 ದಿನಾಂಕ 2/11/2006ರಲ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ

ನೀರು ಸರಬರಾಜು ವಿಭಾಗದಲ್ಲಿ ಕಾರ್ಮಿಕ ಗುತ್ತಿಗೆ ಪದ್ಧತಿಯನ್ನು ರದ್ದಾಗಿರುವ ಕಾರಣ ಸದರಿ ನೌಕರರಿಗೆ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆ ವತಿಯಿಂದ ನೇರವಾಗಿ ವೇತನ ಪಾವತಿಸಿರುವುದು,

4. ಈ ಆದೇಶವನ್ನು ಅನುಸರಿಸಿ ಮುಂದೆ ಖಾಯಂಗೊಳಿಸುವುದು ಸೇರಿದಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯಗಳ ಮೊರೆ ಹೋಗುವುದಿಲ್ಲವೆಂಬ ಮುಚ್ಚಳಿಕೆ ಪಡೆಯತಕ್ಕದ್ದು.

28. Respondent has produced copy of office order issued by Executive Engineer, Vani vilas Water Supply division, Mysuru City Corporation bearing No. ಮೈನಸಾ/ಕಾಅ/ವಾವಿನೀಸ (ವಿ)/ಸಿ-1/1712/12-13 dated 12.12.2012. Operative portion is as under :

“ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಮೇರೆಗೆ ಉಲ್ಲೇಖ (4)ರ ಅಧಿಕೃತಜ್ಞಾಪನದಲ್ಲಿನ ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸುವ ಸಲುವಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಸೂಚನೆಗಳನ್ನು ನೀಡಲಾಗಿದೆ.

1. ಸದರಿ ನೌಕರಿಂದ ಖಾಯಂಗಾಗಿ ಮನವಿಸಲ್ಪಿಸುವುದಿಲ್ಲವೆಂಬ ವೈಯುಕ್ತಿಕವಾಗಿ ಮುಚ್ಚಳಿಕೆ ಪತ್ರವನ್ನು ಕಡ್ಡಾಯವಾಗಿ.ರೂ.100/- ರ ಛಾಪಾ ಕಾಗದದಲ್ಲಿ ಬರೆಸಿಕೊಳ್ಳಬೇಕು.

2. ಸದರಿ ನೌಕರಿಂದ ಮೇಲ್ಕಂಡ ಆದೇಶವನ್ನು ಅನುಸರಿಸಿ ಮುಂದೆ ಖಾಯಂಗೊಳಿಸುವುದು ಸೇರಿದಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯಗಳ ಮೊರೆ ಹೋಗುವುದಿಲ್ಲವೆಂಬ ಮುಚ್ಚಳಿಕೆ ಪಡೆಯತಕ್ಕದ್ದು,

3. ಸದರಿ ನೌಕರರು ಪರಿಗಣಿಸುತ್ತಿರುವ ಹುದ್ದೆಗೆ ನೂತನ ಸಿ ಅಂಡ್ ಆರ್ ನಿಯಮದಲ್ಲಿ ನಿಗದಿಗೊಳಿಸಿರುವ ವಿದ್ಯಾರ್ಹತೆ ಮತ್ತು ಜನ್ಮ ದಿನಾಂಕದ ಪ್ರಮಾಣದ ಪತ್ರದ ದಾಖಲೆಗಳನ್ನು ಪಡೆಯುವುದು,

4. ಸದರಿ ನೌಕರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರು ನೀರು ಸರಬರಾಜು ಸೇವಾ ಕೇಂದ್ರ/ಮೂಲ ಸ್ಥಾವರ/ಯಂತ್ರಾಗಾರ/ಶುದ್ಧೀಕರಣಗಾರಿ/ಕಛೇರಿಗಳಲ್ಲಿ ಹಾಜರಾತಿ ಪುಸ್ತಕ ತೆರೆಯುವುದು ಮತ್ತು ಸದರಿ ಹಾಜರಾತಿ ಪುಸ್ತಕದ ಪ್ರತಿಯನ್ನು ಪ್ರತಿ ತಿಂಗಳು 20ನೇ ದಿನಾಂಕದೊಳಗೆ ಆಯಾ ಉಪ-ವಿಭಾಗದ ಅಧಿಕಾರಿಗಳಿಗೆ ಸಲ್ಲಿಸುವುದು,
5. ಸದರಿ ನೌಕರರ ವೈಯಕ್ತಿಕ ಕಡತ ತೆರೆದು ನೌಕರರ ವೈಯಕ್ತಿಕ ವಿವರಗಳನ್ನು ದಾಖಲಿಸಿ ನಿರ್ವಹಿಸುವುದು,
6. ಸದರಿ ನೌಕರರ ಸಾದರ್ಭಿಕ ರಜೆ ವಹಿಯನ್ನು (ಸಿ.ಎಲ್.ರಿಜಿಸ್ಟರ್) ನಿರ್ವಹಿಸುವುದು,
7. ಆಯಾ ಉಪ-ವಿಭಾಗದ ವ್ಯಾಪ್ತಿಯ ನೌಕರರ ಬಟವಾಡೆ ವೇತನ ಬಿಲ್ಲನ್ನು ತಯಾರಿಸಿ ಸಂಬಂಧಿಸಿದ ಉಪ-ವಿಭಾಗದ ಅಧಿಕಾರಿಗಳು ನಗರಪಾಲಿಕೆ ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳಿಗೆ ಪ್ರತಿ ಮಾಹೆ ಸಲ್ಲಿಸುವುದು,
8. ಸದರಿ ನೌಕರರು ವೇತನವನ್ನು ಬ್ಯಾಂಕ್ ಮುಖಾಂತರ ಪಡೆಯಲು ಅನುವಾಗುವಂತೆ ಕ್ರಮ ವಹಿಸುವುದು.

ಈ ಆದೇಶವು ದಿನಾಂಕ 12-12-12ರಿಂದ ಜಾರಿಗೆ ಬರುತ್ತದೆ.”

29. Aforesaid Government order, official memorandum and office order are part of Ex R-3, when they are read together it clearly transpires that as per Government order dated 02/11/2006 contractual employment in water supply division of Mysore City Corporation has been abolished, as per Government order dated 05/12/2012, 308 workers of Contractors have to be paid equal pay for equal work.

30. AW-1 Ravikumar, Assistant Executive Engineer, in his examination in chief has reiterated the averments made in application and has additionally stated as under:

“4. Originally water has been supplied to Mysuru City by the Karnataka Urban Water Supply & Drainage Board. In view of the order of Government, the same has been handed over to the Mysuru City Corporation along with workers during the year 1996-97. Thereafter, MCC set up the Vani Vilas Water Supply Board to supply the water in Mysuru City in the place of Karnataka Urban Water Supply & Drainage Board. Subsequently the MCC also appointed some of the contract labourers to do the work at VVWS.

5. In view of the Government Order dated 03.04.1986, those who are all working under contract work they shall be eligible to get “equal pay for equal work”, Accordingly, the Government of Karnataka dated 05.12.2012 issued an order that all the 308 contract workers of Mysuru City Corporation will get the equal pay for equal work. From 05.12.2012 the contract workers working in VVWS are all getting “equal pay for equal work”, As on 2017 no employees of VVWS are drawing the below salary of Rs.21,000-00 p.m.. Therefore without perusing any records, the respondent passed the order.”

31. Statement made on oath by AW-1, to the effect that employees of Vani Vilas Water Supply are being paid salary not below Rs.21,000/- per month has not been controverted by respondent. It is necessary to note that AW-1 has not been

cross examined on this aspect, nor has a suggestion been put to AW-1 denying the said aspect.

32. Respondent at one breath contends that 43 employees are not covered under ESI Act. Individual data obtained on 22.09.2017, 28.09.2017 are part of Ex.R-3, in it there is no mention about salary paid to each employees and there is no mention about contractor under whom they are working. Name of contractor under whom persons shown as employees in individual data sheets which are part of Ex.-R-3, assumes importance as in C-18 (Adhoc) notice dated 30.05.2018 and order dated 19.07.2018 passed U/s.45-A of ESI Act, the Executive Engineer, Vani Vilas Water Supply Board is referred/ described as Principal Employer.

33. Learned advocate for applicant has cited the decision of Hon'ble High Court of Judicature at Madras in CMA No.1350/2023 and connected cases. In the said decision, there is reference to Judgment of Division Bench of Hon'ble High Court of Karnataka in the case of **Employees' State Insurance Corporation V/s. Karnataka Asbestos Cement Products** reported in **1991(63) FLR 638**, portion of said Judgment is reproduced as under:

"3... The report was rejected, relying on a decision of this Court in the case of Employees' State Insurance Company v. Subbaraya Adiga [1988 – II L.L.N. 452]. In the said decision, it was held as follows in paragraph at page 454:

“... A list of employees prepared by the Employees' State Insurance Inspector in the course of his visit to an establishment, in order to find out whether the provisions of the Employees' State Insurance Act are attracted to it, must contain the name, father's name, place from which the employee hails, the designation, the length of service, emoluments and the signature or thumb impression of the employee, as the case may be. If at that time other persons other than the employees are present, the names and addresses of at least two of them with their signatures and also the signature of the proprietor or manager or the person in charge of the establishment should be obtained at the end of the list and a copy of which be furnished to the establishment...”

4. The report furnished by the Inspector RWI. did not contain the details which is was required to contain and, therefore, the learned Judge was correct in rejecting the report. Only other evidence available was to be found in exhibits A1 to A5, the attendance registers produced by the employer which has not been impeached and which disclose that the applicant not employed more than six persons.”

34. It is necessary to note here that individual data sheets which are part of Ex.R-3 do not contain particulars regarding place from which employees hail, their designation, their emoluments, nor do they contain signatures of persons present at the time of inspection nor do they contain signature of the proprietor or manager of the establishment. There is nothing on

record to show that a copy of data sheet was furnished to establishment/applicant.

35. By applying the principles laid down in the decision cited by advocate for applicant, to the facts of this case, it is amply clear that individual data of employees annexed to Ex.R-3, is defective. If the salary paid to an employee is less than Rs.21,000/-, ESI Act would apply. AW- 1 has categorically stated that as on 2017, in Water Supply Division of Mysore City Corporation, none of the workers are paid less than 21,000/- per month. As pointed out supra AW-1, has not been questioned in this regard, nor has respondent produced any document or witness to show that employees more particularly employees mentioned in data sheet which is part of Ex R-3 are being paid less than Rs.21,000/-per month.

36. Whether employees are working in a establishment through a contractor, Principal Employer is duty bound to see that contractor deducts employee's contribution from salary payable to employee, contractor contributes his share of ESI contribution, thereafter deposits to ESI corporation. In the event of failure of contractor to comply with Section 39 of ESI Act, no doubt, principal employer is liable to pay contribution and later recover from immediate employer. In this case, the name of immediate employer/contractor is not forthcoming. ESI corporation has described Vani Vilas Water Supply Board as Principal Employer. Thus onus is upon ESI corporation to

produce evidence as to who is the immediate employer. Facts and circumstances of this case clearly establish that in the entire proceedings conducted by respondent/ESI corporation, there is no mention about such immediate employer.

37. Learned advocate for respondent while addressing his arguments submitted that, applicant-Vani Vilas Water Supply Board is having separate ESI code and Mysuru City Corporation is having separate ESI code. Learned advocate for respondent further submitted that as applicant has applied for ESI code, it was duty bound to file returns. In Ex R-3, dated 09.10.2017, subject is written as: Sub: Survey of Vani Vilas Water Supply Board, Mysuru. In preliminary inspection report (Ex.R-2) dated 09.10.2017, Name and address of the factory/establishment is shown as:-

Vani Vilas Water Supply Board,
Mysuru City Corporation,
Mysuru.

38. In Ex.R-1, employer is described as Vani Vilas Water Supply Board, Mysuru City Corporation. It is noticed that Ex.R1 & R-4 are one and the same. Ex.R-1 is notice dated 17.11.2017 issued by Deputy Director, ESI Corporation to Executive Engineer, Vani Vilas Water Supply Board. Mysuru City Corporation. In Para-7, it is stated as under:

*“7. For the sake of convenience your
factory/establishment has been allotted code*

No.73000355510001099 which may kindly be used in all communications sent to this office and on all forms at the place indicated for the purpose.”

39. In Ex.R-1, employer is described as Vani Vilas Water Supply Board, Mysuru City Corporation. In Ex.R-5, C-18 notice dated 30.05.2018, employer is shown as Executive Engineer, Vani Vilas Water Supply Board, Mysuru City Corporation. In Ex.R-9 dated 19.07.2018,(order passed U/s.45-A of ESI Act), employer is shown as Vani Vilas Water Supply Board, Mysuru City Corporation, code No.73000355510001099. The applicant has described itself as Vani Vilas Water Supply Board, Mysuru City Corporation. Executive Engineer of Vani Vilas Water Supply Division, Mysuru City Corporation has executed vakalath for filing this application. Specific suggestion has been put to RW-1 that Vani Vilas Water Supply Board is under the administration of Mysuru City Corporation, which is accepted by RW-1.

40. During cross-examination of RW-1, bill issued by water supply division of Mysuru City Corporation for having supplied water and for having provided sewage connection is confronted to RW-1, as it was accepted by RW-1, it has been marked as Ex. A-4.

41. Ex. A-4 discloses that Vani Vilas Water Supply Division is part of Mysuru City Corporation. Merely because Vani Vilas

Water Supply Division of Mysuru City Corporation is described as Vani Vilas Water Supply Board by respondent and very same nomenclature is repeated in cause-title of the application, it does not mean that Vani Vilas Water Supply Board is a different and separate entity. It is common knowledge that for establishing a board separate legislation has to be enacted or a existing legislation should provide for establishment of Board.

42. Specific suggestion is put by advocate for respondent to AW-1 as under:

“ಅರ್ಜಿದಾರರಿಗೆ ಇ ಎಸ್ ಐ ಕೋಡ್ ಹಾಗೂ ಮೈಸೂರು ಸಿಟಿ ಕಾರ್ಪೊರೇಷನ್ ಇ ಎಸ್ ಐ ಕೋಡ್ ಬೇರೆ ಬೇರೆ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಿ.ಆರ್-1 ನೋಟೀಸ್ ಸ್ವೀಕರಿಸಿದ ನಂತರ ಅರ್ಜಿದಾರರು ತಮ್ಮ ಕಾರ್ಯಾಲಯವು ಮೈಸೂರು ಸಿಟಿ ಕಾರ್ಪೊರೇಷನ್ ಅಡಿ ಬರುವುದರಿಂದ ಒಂದೇ ಇ ಎಸ್ ಐ ಕೋಡ್ ನ ಅಡಿಯಲ್ಲಿ ನಮ್ಮ ಕಾರ್ಯಾಲಯದ ಕೆಲಸಗಾರರನ್ನು ತರುವಂತೆ ಯಾವುದೇ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

43. It is well settled position of law that suggestion put to a witness is reflection of the case of person, who puts it. By putting aforesaid suggestions, respondent has taken a categorical stand that, Mysuru City Corporation has a separate ESI Code. It is necessary to note here that respondent has no where stated as to when did Mysuru City Corporation apply for ESI Code, When was ESI Code allotted to it and What is the said ESI Code.

44. RW-1 during cross-examination has deposed as under:

“ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯಲ್ಲಿ ದಿನಗೂಲಿ ನೌಕರರಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದವರ ಪೈಕಿ ಅರ್ಹರನ್ನು ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ಎಂದು ಪರಿಗಣಿಸಿ, 12.02.2012 ರಂದು ಸರ್ಕಾರ ಆದೇಶ ಹೊರಡಿಸಿರುತ್ತದೆ ಅಂದಿನಿಂದ ಸದರಿ ನೌಕರರನ್ನು "ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ನೌಕರರೆಂದು" ಎಂದು ಪರಿಗಣಿಸಲಾಗಿದೆ ಎಂದರೆ ನನಗೆ ಮಾಹಿತಿ ಇರುವುದಿಲ್ಲ. 12.02.2012 ನಂತರ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯಲ್ಲಿ ಯಾವುದೇ ದಿನಗೂಲಿ ನೌಕರರು ಇರುವುದಿಲ್ಲ ಎಂದರೆ ನನಗೆ ಮಾಹಿತಿ ಇರುವುದಿಲ್ಲ.”

45. Aforesaid answer given by RW-1 and perusal of notice dated 17/11/2017, order dated 19.07.2018 clearly discloses that information contained in Government orders, office order, official memorandum, which are part of Ex R-3 have not been read or gone through or considered at the time of passing order dated 19.07.2018.

46. In this context, it is necessary to extract Section 90 of ESI Act, 1948, which reads as follows:

“90. Exemption of factories or establishments belonging to Government or any local authority.

The appropriate Government may, after consultation with the Corporation, by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to any local authority from the operation of this Act, if the employees in any such factory or establishment are otherwise in receipt of benefits

substantially similar or superior to the benefits provided under this Act.”

47. A plain reading of Section 90 makes it clear that for providing exemption to factories or establishments belonging to Government or local authority, consultation process with ESI Corporation is necessary. It also transpires that prior to such consultation, the factory or establishment belonging to Government or local authority should be covered under ESI Act. Only if benefits substantially similar or superior to the benefits provided under ESI Act are provided to such workers, exemptions can be given.

48. As stated supra, the salary/emoluments of workers listed in individual data sheets forming part of Ex.R-3 is not forthcoming and under which contractor, those employees are working is also not forthcoming.

49. Even if it is assumed that 43 workers told Social Security Officer on different dates that they are not covered under ESI Act, but are only being paid Rs.100/- towards medical allowance, it is curious to note that those employees did not disclose the name of contractor under whom they are working, the emoluments which they are receiving from the said contractor. It is necessary to note that none of the 33 or 43 workmen, whose names are found in the individual data sheets, which form part of Ex.R-3 have subsequent to 09.10.2017 lodged a complaint before ESI authorities, Labour

Commissioner or Labour Inspector or Deputy Labour Officer, against Vani Vilas Water Supply Board alleging that they have been deprived of ESI benefits. Absolute silence/ inaction on the part of the said 33/43 employees lends credence to the contentions taken up by applicant that persons mentioned/listed in individual data sheets are not the employees of Vani Vilas Water Supply Division of Mysuru City Corporation.

50. Even in official memorandum, office order and Government order, it is clearly mentioned that Vani Vilas Water Supply office is part of Mysuru City Corporation. Thus, the only conclusion that can be made is that Vani Vilas Water Supply Division is not an independent entity, it is a Division of Mysuru City Corporation. It is pertinent to state here that Mysore City Corporation is a local self Government/local body, falls within the exception provided under proviso to Section 1(4) of ESI Act.

51. Citations referred by learned counsel for respondent has been perused. The facts and circumstances in those cases are different than the case on hand. In this application, Vani Vilas Water Supply division or Vani Vilas Water Supply Board which is part of Mysuru City Corporation, a local authority/ local self Government, is the alleged employer. Whereas in the cases cited by learned advocate for respondent, employer is a private limited company. Thus with due respect to said judgments, the

ratios laid down in those cases are not applicable to the case on hand.

52. Another contention take up by respondent/ESIC is that applicant has not exhausted the remedy of filing an appeal against order dated 19.07.2018 passed U/s.45-A of ESI Act before the appellate authority U/s.45-AA of ESI Act. Section 75 of ESI Act specifies matters to be decided by Employees State Insurance Act. Section 75 (1)(g) of ESI Act is as under:

“75. Matters to be decided by Employees' Insurance Court.

(1) If any question or dispute arises as to

(a)xxxx,

(b)xxxx,

(c)xxxx,

(d)xxxx,

(e)xxxx,

(f) xxxx,

(g)any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable

under this Act, or any other matter required to be or which may be decided by the Employees' Insurance Court under this Act, such question or dispute subject to the provisions of sub-section (2A) shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act”.

53. Plain reading of Sec.75(1)(g) of ESI Act, makes it clear that it encompasses order passed U/s.45-A and Section 45-AA as well. Thus contention raised by respondent that this application cannot be decided as remedy U/s.45-AA of ESI Act has not been exhausted is not sustainable. In view of the foregoing discussion, this Court is of the opinion that application deserves to be allowed, thus proceeds to answer ***Issue No.1 & 2*** in the ***Affirmative***.

54. **Issue No.3:** In the result, this court proceeds to pass the following-

ORDER

Application filed by Applicant-establishment U/s.75(1)(g) of the Employees' State Insurance Act, 1948 is hereby allowed.

Accordingly, the order passed by respondent U/s.45-A of the ESI Act is hereby set aside.

**Under the facts and circumstances
of the case, parties to bear their own
costs.**

(Dictated to the Stenographer, transcribed by her, then corrected,
signed and pronounced by me in the open court on this the **29th day
of July 2026.**)

sd/-
(NARASHIMSA M.V.)
Judge,
Employees' State Insurance Court, Mysuru.

ANNEXURE

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE
APPLICANT/S:**

A.W.1: Ravi Kumar

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE
RESPONDENT/S:**

R.W.1: R.Shobha

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE
APPLICANT/S:**

Ex.A.1: ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹಾಜರಾಗಲು ನೀಡಿದ ಅಧಿಕಾರ
ಪತ್ರ.

Ex.A.2: ದಿನಾಂಕ: 05-12-2012 ರ ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳ ಯಥಾ ನಕಲು.

Ex.A.3: ದಿನಾಂಕ: 19-7-2018 ರಂದು ಕಲಂ 45 ಎ ರಡಿಯಲ್ಲಿ ಎದುರುದಾರರು
ಮಾಡಿದ ಆದೇಶದ ಪ್ರತಿ.

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE
RESPONDENT/S:**

Ex.R.1: Attested copy of C-10 Form dated 09.10.2017

Ex.R.2: Attested copy of C-10 Form dtd: 09/10/2017

Ex.R.3: Attested copy of Survey Report of unit dtd:
09/10/2017 along with enclosures.

Ex.R.4: Attested copy of C-11 dtd: 17/11/2017

Ex.R.5: Attested copy of C-18(Adhoc) dtd: 30/05/2018 for

Rs.2,17,645/- for the period from 10/2017 to 04/2018 along with postal acknowledgment.

Ex.R.6: Attested copy of employer letter dtd. 22.01.2018

Ex.R.7: Attested copy of reply letter dtd. 22.02.2018

Ex.R.8: Attested copy of notesheet for attended PH on 26.06.2018

Ex.R.9: Attested copy of order U/s 45-A dtd: 19/07/2018 for Rs.2,17,645 for the period from 10/2017 to 04/2018 along with postal acknowledgment.

Ex.R.10: Attested copy of C-6 Register.

**Judge,
Employees' State Insurance Court, Mysuru.**