

M.RADHAKRISHNAMURTHY  
Advocate

1-9-639/A, Street NO 16  
Vidyanagar,  
HYDERABAD – 500 044.  
Ph: 27601928, 9848262573

Our website: <http://rkmmadirajuassociates.com/>

Date: 23.06.2016

To  
Mr. Soham Modi,  
Managing Director,  
Modi Properties and Inv. Pvt., Ltd.,  
M.G.Road, Secunderabad.

Sub: Legal Opinion in respect of the Judgment of Hon'ble Supreme Court,  
With regard to coverage of employee at construction site.

Ref: Order passed by the Honorable Supreme court in S.L.P .No CC: 8035 of 2016 dated  
2<sup>nd</sup> May, 2016.

Given hereunder is the legal opinion for your query.

**Query:**

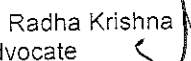
The Honorable Supreme Court while dismissing S.L.P. CC No: 8035 2016 on 2<sup>nd</sup> May 2016 recorded the contention of the management , that without identifying the beneficiary workmen, the contribution is being sought, without identification, the management will not be liable to make the contribution and the process of identification will arise only at the stage of enquiry and held " Therefore it is made clear during the process of enquiry conducted by the E.S.I. Organization, the steps will also be taken to identify the workmen either of the petitioner or engaged through the contractors. Needless to say that the E.S.I. organization will ensure that the contribution taken from the company will actually go to the benefit of the employee concerned" and sought my opinion about the impact, interpretation and implementation of the judgment.

**OPINION:**

As per the judgment of the Honorable Supreme Court referred above, the Honorable Court directed the E.S.I. organization to identify the workmen either employed by the Principal employer or by /through the contractor at the time of enquiry in respect of coverage and demand for payment of contribution to ensure that the claim be confirmed only to the extent of the identified employees who has been physically identified at the time of enquiry and the no claim can be made against the coverage of the employees who are not working at the time of enquiry and whom the E.S.I. Organization cannot identify during the enquiry to ensure the contributions so paid by the employers should go only to the employees.

The employees who are working in the organization at the time of enquiry and who can be identified by the E.S.I. Organization can only covered and the organization can only demand payment of contributions only against such employees who have been identified but not for any other employee.

I hope your query is clarified, if not feel free to seek further clarifications, if any

  
M. Radha Krishna Murthy,  
Advocate