



कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



क्षेत्रीय कार्यालय/ REGIONAL OFFICE
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MINUTES OF SUVIDHA SAMAGAM HELD ON 10.01.2024 AT RO, CHANDIGARH

A monthly Suvidha Samagam was held on 10.01.2024 (Second Wednesday of the month) at 03:00 PM with the Employers/ Insured Persons and their representative at Regional Office, Chandigarh.

Following people participated in the Suvidha Samagam:

1. Sh. Rakesh Kumar, Deputy Director (In-charge), ESIC Punjab
2. Dr. Rajiv Chhabra, SMO
3. Sh. Vikrant Gosain, Asstt. Director
4. Sh. Malkit Singh, BMS Chandigarh
5. Sh. Jasbir Singh, Advocate, Chairman LLC, MIA
6. Smt. Balwinder Kaur, Khizrabad
7. Sh. Raghbir Singh, Khizrabad
8. Sh. Ashok Kumar, MIA Mohali
9. Sh. Viney Kumar, Cama Infra Ltd.
10. Sh. Gurpartap Singh, I.P., Sunrise
11. Smt. Loveleen Singh, O.S. Benefit
12. Sh. Sarwan Kumar, Branch Manager, Lalru
13. Smt. Harpreet Kaur, Branch manager, Kharar
14. Sh. Sandeep Kumar Shrivastav, Branch Manager Chandigarh
15. Sh. Sanjay Kumar Gupta, Branch Manager, Mohali

Sh. Vikrant Gosain, Asstt. Director (Bft.) welcomed all the stakeholders came with their grievances, suggestion, etc.

The pointwise discussions held during the Suvidha Samagam are as under:

ISSUES DISCUSSED

1. Death case of Late Sh. Sukhdev Singh, Insurance No. 1215255265-

Sh. Jasbir Singh, Advocate who came to represent on behalf Smt. Balwinder Kaur w/o Late Sh Sukhdev Singh informed that after two and half year of scrutiny, the case has been rejected and communicated without assigning the grounds of rejection.

He alleges that case have not been examined properly and evidences viz. CCTV footage capturing vomiting by IP at unit premises and Post-Mortem Report are ignored. Dy. Director (In-charge) elaborated the process of decision making and stated that each case is accepted or rejected on its merit. He directed BO Benefit to make sure that reason of rejection must be communicated so that beneficiary can make representation with new facts or can take legal recourse available under the ESI Act. However, DD I/C has assured that the case will be re-examined and decision in the matter will be intimated shortly. **(Action by B.O. Benefit)**

Sh. Jasbir Singh, Advocate also informed that communication issued by BO, Mohali in this regard bear two dates 07.11.2023 and 22.12.2023 which exhibit delay on part of BOM. Smt. Harpreet Kaur, Branch Manager informed that communication was Ist issued on 07.11.2023 but could not be delivered and thus it was re-sent on 22.12.2023. DD I/C has asked BO Benefit to ensure that all communication be issued only through Registered post. **(Action by B.O. Benefit/ BOMs)**

2. Accident Case of Sh. Suraj Bahadur, Insurance No. xxxxxxxxxx-

Sh. Jasbir Singh, Advocate representing Sh. Suraj Bahadur has informed that the case was pending at Branch Office Mohali since 31.10.2023 and no action/ communication in the matter is taken till date. DD I/C asked BO Benefit to take compliance report from BO Mohali along-with reason for delay, if any. **(Action by B.O. Benefit/ BO Mohali)**

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3. Suggestion by Sh. Viney Kumar, Cama Infra Ltd.-

He suggested that ESI being a service delivery organisation dealing with poor worker should have sympathetic approach toward them, but he observes such compassion is lacking among the staff of BO Mohali and requested to look into it. DD I/C assure to sensitise them in this regard and to act on specific complaint received, if any.

He also informed that BO usually issue a check-list containing a long list of document/ information including FIR/ Post-Mortem/ Death Certificate which is not required in all cases. He requested that BOM should tick the check-list against the desired document/ information which is required for deciding the case. DD I/C asked BO Benefit & BOM to ensure its compliance in future references. **(Action by B.O. Benefit)**

He also raised the issue of persistent slowness of ESI server causing deterrent in Aadhaar Seeding work and inconvenience to employer/ IP. DD I/C informed that ESIC is aware of such issue and continuously working on it to upgrade the system.

Sh. Viney Kumar also requested to organise awareness programme/ seminars with employer associations to elaborate the new initiatives/ developments being taken by ESIC. DD I/C requested BO Coordination to direct SSO for holding more no. awareness programme in their catchment area and during Inspection/ Aadhaar seeding camp. **(Action by B.O. Coord.)**

DD I/C informed that HQ, ESIC vide instruction dated 13.11.2023 (uploaded on ESIC website) has allowed IP/ family to visit any dispensary / hospital for consultation and issuance of medicines through Dhanwantri Module only, irrespective of the dispensary allotted to him/her.

Sh. Viney Kumar also informed that in cases of subsequent addition of IP parent as dependent, BO is asking for Affidavit as parent income proof. He requested that a proper format/ instruction is be given so that inconvenience to IP is avoided. DD I/C informed that while registering an IP, family/ nominee are added/ registered as per the Declaration Form (Reg. 12) signed by the IP before entering employment, ESIC do not ask for any document at the time of registration. It is the duty of the employer to ensure information furnished by IP is authentic and supported by documents. Subsequent addition of family member is also done by employer based on IP subsequent declaration. In subsequent addition/ updation, employer is required to upload documents to establish the identity of the person being added. DD I/C further informed that there is no direction from HQ asking for documentary evidence in the form of Affidavit to establish dependency of parent on IP. However, in case of any fraudulent receipt of ESI Benefit by IP/ family, ESIC reserve the right to take necessary legal action against the IP/ Employer for False Declaration by IP or declaration from IP without evidence. **(Action by B.O. Benefit)**

4. Suggestion by Sh. Jasbir Singh, Advocate representing case of Suraj Bahadur and Late Sh Sukhdev Singh-

Sh. Jasbir Singh, Advocate also raised the issue of shortage of staff at Mohali B.O. which is causing delay in processing of benefit claims. DD I/C requested him to furnish specific cases with IP No. so that it could be examined accordingly. DD I/C also informed that ESIC has already introduced feature of ONLINE CLAIM through IP PORTAL. IP approaching BO with physical claim are being sensitised/ given demo/ helping by the BO staff in creating ONLINE CLAIM by IP himself.

DD I/C also requested all the stakeholders to make their IP aware of this feature so that IP make benefit ONLINE claims from their home/ workplace, saving their time and money and could track the claim status. Further, DD I/C also informed that IP could seed Aadhaar of self and family through IP PORTAL (through OTP) and recently introduced AAA+ App (Through OTP OR FACIAL IDENTIFICATION).

Sh. Jasbir Singh, Advocate also informed about wrong practice by Sh. Dharam Chand, SSO who was assigned Aadhaar seeding work at employer premises. DD I/C asked to provide specific detail in writing so that necessary action is taken as per Rule.

Sh. Sanjay Kumar Gupta, Branch Manager Mohali informed that due to deployment of BO staff in Aadhaar seeding work and large no. of mis-match cases coming to DA & BOM ID for updation, the routine work of BO is getting adversely affected. He requested for additional staff to deal with additional work of Aadhaar seeding. DD I/C has asked BO Coordination to depute 2 DA and 2 SSO with specific task to clear the updation request coming to DA/ BOM ID of BO Mohali and Chandigarh so that the routine work of these two BO is not affected. **(Action**

by B.O. Coordination/ BO Admn.)

5. Accident Case of Sh. Gurpartap Singh, Insurance No. 1215676284-

BOM, Lalru informed that the Accident in the case is a Hit and Run Case but no FIR was lodged till date with the Police Authority. As such, in the absence of FIR, this fact about hit and run could not be established. IP was asked to file the FIR before the Police Authority so that happening of such incident on that Date, Time and Place could be established. DD I/C informed that commuting accident u/s 51E of the ESI Act requires evidence to establish the Date, Time and Place of accident so that it could be construed as Commuting Accident u/s 51E of the ESI Act. He further informed BOM Lalru, that till the relevant document is furnished in the case for further processing, IP may be given Sickness Benefit payment, if otherwise eligible. If case subsequently accepted as Commuting Accident, the same may be converted into TDB and difference be paid. **(Action by B.O. Benefit/ BOM Lalru)**

Sh. Jasbir Singh, Advocate interfered into the matter and commented that that how can an IP lodge an FIR/DDR, when he had been unconscious for more than half an hour. Furthermore, ESI Act does not require FIR/DDR as a mandatory document. This is just a harassment by Regional Office to ask for unnecessary documentations. DD I/C quoted the provision of Section 51E of ESI Act which says that Date, Time and Place of accident is require to be established. DD I/C further stated that Commuting Accident is entirely different from Floor Accident. It occurs beyond employment shift time and out of premises in the absence of employer.

Sh. Jasbir Singh get agitated over this and claimed that he was one of those who made effort to introduce provision of Commuting Accident in ESI Act. He threatens to DD I/C that if this case is not accepted in the absence of FIR, he will file an FIR against the officials of ESIC for harassing the IP.

Sh. Jasbir Singh also threatens to file an FIR, if the Death Case of Late Sh Sukhdev Singh Ins. No. 1215255265 whose case mentioned above was rejected by ESIC, after two and half year's delay, is not re-opened and get admitted. He further stated that the statement given by the son of the deceased IP in the FIR stands no merits. The case was rejected only because his son reported in FIR about IP past medical history/ treatment. ESIC should also rely on other evidences viz CCTV, Post-Mortem Report, etc.

DD I/C interrupted Sh Jasbir Singh, Advocate to maintain decorum in the meeting. His threatening statement is totally uncalled for and an act of obstruction in discharge of duties by Public Servant. He further, stated that each case is dealt on its merit and beneficiary have the legal right to challenge it as per the Law instead of using pressure tactics to get the work done forcefully. DD I/C has instructed BO Benefit to take necessary legal measures against Sh Jasbir Singh, Advocate for such vilifying and intimidatory action against the Public Servant. **(Action by B.O. Benefit)**

The meeting ended with the assurance by the DD I/C.
