



HEADQUARTERS
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, CIG MARG NEW DELHI -110002

No. R-14/13/99-Bft.II

Date: 20 /03/2018

To:

All RDs /Directors/ Jt. Directors (I/c),
Regional /Sub-Regional Offices,
ESI Corporation
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SUB: STATUS OF RE-ENTRANT EMPLOYEES WITH REGARD TO THEIR BENEFIT PERIOD. MATERNITY BENEFIT

Sir,

1. The Contribution and Benefit periods have been laid down in Regulation 4 of the ESI (General) Regulation 1950 which is reproduced as under:-

"Regulation 4. Contribution and benefit periods

Contribution periods and the corresponding benefit periods shall be as under:

<i>Contribution Period</i>	<i>Corresponding benefit period</i>
<i>1st April to 30th September</i>	<i>1st January of the year following to 30th June</i>
<i>1st October to 31st March of the year following</i>	<i>1st July to 31st December</i>

Provided that in the case of a person who becomes an employee within the meaning of the Act for the first time, the contribution period shall commence from date of such employment in the contribution period current on that day and the corresponding benefit period for him shall commence on the expiry of the period of nine months from the date of such employment."

2. From the proviso of the above regulation, it is very clear that the stipulation of 9 months period is applicable only for commencement of the 1st benefit period in r/o the person who becomes an employee within the meaning of the Act for the first time. A person who has already been an employee but ceased to be an employee, either due to his wages going above the coverage limit or due to any other reason, once re-enters as an employee 2nd time and thereafter, he is not becoming an employee within the meaning of the Act for the first time. Therefore, the stipulation of completing 9 month period again to start his benefit period would not be applicable to him but he would be governed by the general contribution and benefit periods as mentioned in the Regulation 4 above.

3. This office, while examining eligibility conditions for maternity benefit, issued an instruction vide No.R-14/13/99-Bft.II (Part file) dated 17.12.2008 wherein it was clarified that "the claim of re-entered Insured Woman may be settled in the same manner as that of Newly Insured Women" meaning thereby that she would have to complete a period of 9 months again to start her benefit period. Due to this, several maternity benefit claims which were rightly

payable to the I.W.s, based upon the application of general contribution and benefit periods, were rejected.

4. The said clarification has been reviewed and it has been found to be contrary to the proviso of Regulation 4. Therefore, it is now clarified that the stipulation of 9 month period be applied only for the start of the 1st benefit period in r/o the persons who become an employee within meaning of the Act for the first time. The re-entrant employees are to be governed by the general contribution and benefit periods, provided they have completed a period of 9 months once when they became an employee within the meaning of the Act for the first time.

5. With the above, it is also clarified that, to work out the entitlement of maternity benefit, 2 consecutive Contribution period to be taken immediately prior to the actual or expected date of confinement. Taking both the Contribution period together, if the contribution was payable for not less than 70 days, the I.W. would be eligible. Even if she satisfies this contributory condition in one or the other of the said two contribution periods, she shall be entitled for maternity benefits.

6. In view of the above, the instructions issued vide No.R-14/13/99-Bft.II (Part file) dated 17.12.2008 are withdrawn. All the cases of maternity benefits re-entrant employees are to be reviewed as per the clarifications given above in this letter and the benefits be paid, accordingly. This action is to be completed by 30 April 2018 and an Action Taken Report be forwarded to this office by 10 May 2018.

This issues with the approval of Insurance Commissioner (Bft).


(Nagendra Kumar)
Assistant Director(Benefit)

Copy to:

1. All branches of HQ Office
2. Hindi Cell for translation
3. Web content Manager for uploading on esic website.
4. Director ICT to make necessary changes in system module.
5. Guard file


Assistant Director (Benefit)