



ALL INDIA ESIC SC/ST OFFICERS' & EMPLOYEES' FEDERATION

PANCHDEEP BHAWAN, WING NO. 4, SHIVPURI, PREM NAGAR, DEHRADUN, U.K. – 248007

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(Regd.No. S/27858 of 1995)

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Mob. No. 09868241160

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(W. ZONE)

INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-048.

Dated 12th October, 2018

To,

The Secretary,
Ministry of Law and Justice,
Govt. of India, 3rd Floor, 'C' Wing,
Lok Nayak Bhawan, Khan Market,
New Delhi - 110003.

Subject: Amendment / framing of Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director in ESI Corporation (Ministry of Labour and Employment) for harming interest of 45 promoted officers out of which 24 officers belong to Reserve Category.

Sir,

With due regard, I would like to invite your kind attention on my letter No. AIESIC.SC/ST.Fed. 2015-037 dated 12th October, 2017 addressed to the Director General, ESIC against above subjected amendment in RRs (Enclosed as Annexure - A) wherein I have raised apprehension in clear terms that the ESIC is trying to enhance the qualifying service of 45 officers who as per existing Recruitment Regulations are going to be eligible on 01-01-2019. This is clear cut violation of DoP&T Guidelines which are clearly spelt out in Answer to Question No. 18 of Compendium of Frequently asked questions on Recruitment Rules issued by UPSC which is as follows :

"In case eligibility service for promotion prescribed in the existing rules is enhanced in accordance with a change in the Guidelines, which is likely to adversely affect certain members of the Service or incumbents holding a junior post on a regular basis, a note regarding retention of existing eligibility service in respect of such persons may be inserted in the Rules."

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2. That, the ESIC, Ministry of Labour & Employment vide their Memorandum No. A-12(11)3/2017-E.I dated 29.12.2017 had proposed amendments in Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director and called for comments on proposed RRs. (**Annexure - B**)
3. That, the proposed new amended RRs were enhancing qualifying service of these 45 officers by five years and they will become eligible for promotion on 01-01-2024.
4. That, because of this consequential effect, I myself represented against the proposed amendments in my official capacity as Deputy Director, ESIC requested Administration vide my application dated 25-01-2018 for following the provision as contained in para 3.1.3 of DOPT O.M. No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010. A copy of my representation is enclosed as **Annexure - C**. A copy of DoP&T OM dated 31-12-2010 is enclosed as **Annexure - D**.
5. That, the Administration while examining my contention in Appendix XI of Supplementary II Item No. ESIC 1 had mislead the Hon'ble ESIC by making following wrong observations :

"Paragraph 3.1.3 of the DoP&T OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 does not apply in the instant case as here qualifying service for promotion has not been enhanced."

A copy of Appendix XI of Supplementary II Item No.ESIC-1 is enclosed as **Annexure - E**.

6. That, the Administration contrary to their observation against my objection not only is enhancing our qualifying service but on the other hand is also trying to squeeze the qualifying service of promotion of 11 officers who as per the existing RR are going to be eligible on 01-01-2020 and with proposed amendment are being groomed to be promoted on 01-01-2019. By not incorporating direction as contained in para 3.1.3 of DoP&T OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 the Administration is trying to keep room for manipulating the RR in the favour of 11 officers. By doing so the Hon'ble ESIC is also misinformed. **Annexure - E** can be referred.

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7. That, the Administration had not only misinformed Hon'ble ESIC with respect to my objection but has also misinformed Hon'ble ESIC regarding objections of all the following promoted officers also **(Annexure E can be referred and all misinformed facts are highlighted)** :

Sh/Smt.

- i) Tessy Franco, DD, SRO, Thiruvannathapuram
- ii) Bobem Rapheal, DD, RO, Thrissur, Kerala
- iii) G. Kuruppan, DD, ESICH Ernakulam
- iv) E. D. Raveendran, DD (STS), SRO, Kozhikode
- v) K. Sasidharan, DD, SRO, Coimbatore
- vi) J. Varghese, DD, SRO, Kozhikode
- vii) M. Ashokan, DD, RO, Chennai
- viii) V. Md. Abdul Kareem, DD, SRO, Coimbatore
- ix) S. Vijayan, DD, RO, Chennai
- x) Heera Singh, DD, RO, Dehradun
- xi) Sanjeev Singh, DD (ESICMH Nandanagar, Indore)
- xii) Y. Veera Pratap, DD (ESIC Medical College, Gulbarga)
- xiii) A. Ranga Gopal, A.D. (ESIC Medical College, Gulbarga)
- xiv) V. K. Sharma, DD (F) ESICMH, NOIDA
- xv) S. D. Chandel, DD, RO, Jaipur
- xvi) Anant Kumar Verma, DD, RO, Mumbai
- xvii) Sanjay Kumar Rana, DD, RO, Punjab
- xviii) Rajender Tudu, DD, RO, Ranchi
- xix) Subhash Chander Lal, DD, SRO, Mysore
- xx) D. K. Jha, AD, RO, Mumbai
- xxi) Alok Gupta, DD, RO, Indore.
- xxii) Niremalendu Kumar Sinha, AD, RO, Patna
- xxiii) R. R. Tiwari, DD, ESICH, Ranchi
- xxiv) Vivek Awasthi, DD, RO, Indore
- xxv) Sumit Shukla, DD (F), SSMC Office, Indore

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- xxvi) S. K. Sharma, DD (F), RO Indore.
- xxvii) Anand Kumar Garg, DD, ESICMH, Gurgaon
- xxviii) Vinod Kumar Nagpal, AD, RO, Mumbai
- xxix) Surender Negi, AD, SRO, Marol
- xxx) Samirandas, AD, Zonal Vig.(East)
- xxxi) D. H. Agasti, SSO, RO, Mumbai
- xxxii) Om Prakash Thakur, AD, SRO, Thane
- xxxiii) R. S. Ram, DD, SRO Gurgaon
- xxxiv) Anuj Kumar Rishi, DD, Hqrs.
- xxxv) Rajshekhar Singh, DD, SRO, Thane
- xxxvi) Ashutosh Giri, DD, SRO, Noida
- xxxvii) Rajeeva Nandan Ray, DD, ESICHMC, Sanathnagar
- xxxviii) Sujata D. Agasti, OS, RO, Mumbai
- xxxix) Nikhil Kumar, DD, SRO, Ambala
- xl) G.T. Mandora, DD, ESICH, Ankleshwar
- xli) Mukul Vats, DD, SRO, Vadodara
- xlII) Pathikrit Pandit, DD, ESIMH, Gurgaon
- xlIII) B. C. Meena, DD, SRO, Jodhpur
- xlIV) Sanjeev Kumar, RO Patna
- xlV) S. S. Kaushik, DD, SRO, Ambala
- xlVI) Pramod Kumar, AD, RO, Patna
- xlVII) Dilip Kant Ranjan, AD, RO, Patna
- xlVIII) Anil Kumar, BM, BO, Digha
- xlIX) Satyajeet Kumar, AD, RO Patna
- l) P. V. Ramanadhan, AD, RO Chennai
- li) Alok Kumar Mishra, AD, RO, Patna
- lii) Jayant Kumar, AD, RO Patna
- liii) Jitendra Kumar, AD, RO Patna
- liV) N. K. Sinha, AD, RO, Patna
- liV) C. Girish, AD, RO, Thrissur



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- lvi) Janaki Singh, DD, SRO Barrackpore
- lvii) Mirtunjay Prabhakar, AD, ESICMH, Rourkela
- lviii) K. C. Basumatary, DD, ESICH, Joka
- lix) Manoj Kumar Bharti, AD, SSMC, EZ, WB
- lx) Nirmalendu Biswas, DD, RO Kolkata
- lxi) Tessymol Jacob, DD, SRO, Kolam
- lxii) Punam Bala, DD, RO, Ranchi
- lxiii) Tessy Franco, DD, SRO, Thiruvananthapuram
- lxiv) Salil T., DD, RO Thrissur
- lxv) Pradeep Kumar, DD, SRO, Mangalore
- lxvi) Amitava Dutta, AD, ESICH, Joka
- lxvii) Lali Singha Roy, DD, ESICH Joka
- lxviii) Jelson V.A., DD, ESIC
- lxix) Hari Kumar R, Supdt, ESIC
- lxx) Praveen Kumar, DD, Hqrs.
- lxxi) Rajat Bhattacharya, AD, RO, Kolkata
- lxxii) Mahinder Singh, DD, SRO, Ludhiana
- lxxiii) Pankaj Kumar, ESICH, Phulwarisharif
- lxxiv) Sonam Dawa, DD, ESIH Jammu
- lxxv) Raju R, DD, RO, Bangalore
- lxxvi) G. Selva Kumar, DD, ESIC, RO, Bangalore
- lxxvii) R. Meenakshi Sundaram, DD, SRO Salem
- lxxviii) S. Ganesan DD, SRO, Kollam
- lxxix) Sanjeev Kumar, AD, RO, Chennai
- lxxx) S. S. Srivastava, DD, Hqrs.
- lxxxi) D. Pramanik, DD, SRO, Peenya
- lxxxii) Mahendra Bhoi, DD, RO, Raipur
- lxxxiii) Champak Biswas, DD, RO, Karnataka
- lxxxiv) D. Barua, DD, RO West Bengal
- lxxxv) P. C. Nayak, DD, RO, Raipur



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- lxxxvi) G. S. Gantayat, DD, RO, Raipur
- lxxxvii) S. K. Sahoo, DD, SRO, Peenya
- lxxxviii) Azad Singh, DD, SRO, Bommasandra
- lxxxix) R. S. Mishra, JD (Retd.)
- xc) S. P. Pandey, DD, ESICH Basaidarapur
- xc) Pranava Kumar, DD, PR Hqrs.
- xcii) Sugan Lal Meena, DD (PG) Hqrs.
- xciii) Anurag Kumar, DD (VIG) Hqrs.
- xciv) P. N. Parmar, DD, ESICH Vapi

8. That, the above misleading facts have not only been tabled before the 173rd Meeting of the ESI Corporation as Appendix XI of Supplementary II Item No. ESIC - 1, but the same has been forwarded to UPSC, Ministry of Labour and Employment and now it is being forwarded to Ministry of Law and Justice for their vetting.
9. That, while calling objections from all the stakeholders the lawful demands of promoted officers were misreported before the 173rd Meeting of the ESI Corporation and since, finding of examination of objections were misleading and incorrect the same were not communicated to all related stakeholders.
10. That, further to above, it is also submitted that Hon'ble ESIC, UPSC, Ministry of Labour & Employment and Ministry of Law & Justice are also being misled by Administration of ESIC on following accounts also to influence their opinion :
 - 10(a) That, the Hon'ble CAT has directed ESIC to approve the RR as per the petition of Hemant Kumar Pandey and others vs. UOI and other which is **grossly misplaced and factually incorrect.**



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10(b) That the Hon'ble CAT has directed ESIC to approve RR after receiving the objections of all the Stakeholders, including the respondents in MA Case No. 4051/2017 and OA Case No. 732/2017 who in the instant case are Promoted Officers within period of three months. By ignoring genuine objections of applicants in MA No. 4051/2017 who are promoted officers of ESIC on flimsy and factually incorrect grounds the ESIC has disobeyed direction of Hon'ble CAT.

10(c) But unfortunately the Management of ESIC is misleading with wrong facts to favour intended 11 officers. The Hon'ble court had issued direction to amend RR after giving due hearing to objections of all stakeholders. Whereas lawful hearing was not provided to the objection of promoted officer and Guideline as contained in para 3.1.3 of DoP&T OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 was not made applicable in these RRs in spite of the fact that the qualifying service for promotion of 45 officers which is going to be completed on 01-01-2019 is going to be enhanced by five years i.e. 01-01-2024. A copy of detail of qualifying service of such officers who are going to be affected by this amendment is enclosed as Annexure - F.

11. The Recruitment Regulations are being framed/amended on the basis of misleading facts without affording reasonable hearing to all the stakeholders.

Hence, it is my humble submission that my request of incorporation guideline as contained in para 3.1.3 of DoP&T OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 should be followed in letter and spirit in our case and :

- a. To add a Note in column No. 11 of the Employees' State Insurance Corporation, Regional Director Gr. 'B'/Joint Director Recruitment Regulations, 2017 to the effect that "the eligibility service shall continue to be the same for persons holding the feeder posts on regular basis on the date of notification of the revised rules" as per the guidelines given in para 3.1.3 of DOPT Guidelines issued on subject Framing/Amendment/ Relaxation of Recruitment Rules.

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- b. To remove Note No. 1 from column No. 11 of the Employees' State Insurance Corporation, Regional Director Gr. 'B'/Joint Director Recruitment Regulations, 2017 as it is giving unlawful favour of squeezing of qualifying service to some officers who are not otherwise eligible as per para No. 3.12.2. of DOPT Guidelines issued on subject Framing/Amendment/Relaxation of Recruitment Rules as the post of Dy Director (STS) being non-functional have no constitutional sanctity for being treated as feeder cadre for primary as well as failing which clause.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed : as above.