



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

PANCHDEEP BHAWAN, CIG ROAD, NEW DELHI – 110002.

EMAIL : heera@myesic.com & mahinder@myesic.com

[www.myesic.com](http://www.myesic.com)

(Regd.No. S/27858 of 1995)

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F.No. AIESIC.SC/ST.FED/2011/155 Dated : 09<sup>th</sup> April, 2014.

To,

Dr. Manmohan Singh ji,  
Hon'ble Prime Minister,  
Government of India,  
North Block,  
**New Delhi – 110001.**

Subject : **Large Scale Corruption in EISC/Ministry of Labour and Employment, Govt. of India in Transfer, Posting, Recruitment and in Awarding/Implementation of big projects of ESIC valuing to the tune of Rs. 30,000 Crores - Addendum to representation dated 29-01-2014.**

Respected Sir,

With due regard, I would like to invite your kind attention on my represent dated 29th January, 2014 on subject cited above, which was addressed to you and sent through proper channel through the Director General, ESIC being the Executive Head of ESIC Corporation. A copy of my above representation is again enclosed for your ready reference please as **Annexure - V.**

My above representation covered various kinds of Corrupt practices in ESIC along with documentary evidences of corruption and gross irregularities committed in ESIC.

My above representation also highlighted various kind of corrupt practices in Implementation of big projects of ESIC valuing to the tune of Rs. 30,000 Crores

The irregularities which were highlighted are as follows :

Contd. Page No. 2/-

1. There was large scale irregularities in awarding of construction project of ESIC Buildings of Field Offices/Hospitals/Medical Colleges/PG Colleges/ Dental Colleges by engaging construction agencies without following mandatory requirement of going for open tender process as laid down in Rule 150 of GFR, 2005.
2. The construction project were awarded by ESIC by accepting estimates through single tender enquiry without following mandatory requirements as laid down in Rule 154 of GFR, 2005.
3. Those Government Agencies who were awarded construction projects have further awarded these works to those private vendors who were recommended for these works by the corrupt officers of ESIC.
4. The project of Construction of ESIC Model Hospital Gurgaon was taken as a sample for scrutiny and the findings were stratifying large scale irregularities and corruption. The findings of this project are as follows and these irregularities are expected to be also prevailing in all other projects also.
5. In order to allow free hand to Government Agencies to manipulate process of awarding of construction work and to avoid involvement in these corrupt practice the ESIC has not nominated its member to Tender Screening Committee grossly in violation of direction of Standing Committee of ESIC which had mandated the ESIC to nominate two officer for including in Tender Screening Committee.
6. The ESIC approved estimate of Rs. 22.42 Crores which included 7 % as agency charges. This estimate also included 3 % contingency charges over and above the approved charges which does not have the approval of standing committee of ESIC. Further to it is also evident that contract between NBCC and ESIC envisages reimbursement of work contract tax to NBCC over and above Rs. 22.42 crores which does not have the approval of standing committee, ESIC also.
7. The Rule 204 sub rule (viii) (ix) clearly prescribes that "Contracts should include provision for payment of all applicable taxes by the contractor or supplier". Whereas, ESIC while signing agreement committed to pay applicable taxes over and above the agreed price intentionally to provide leverage to Construction Agency to manipulate the project as per the direction of corrupt officers of ESIC.

8. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 22,42,22,536/- vide their letter bearing No. Pt. W-11/13/6/4/2004-PMD dated 07-12-2007 with the approval of Standing Committee of ESIC.

9. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 15,76,88,759/- vide their letter bearing No. Nil dated 09-07-2008 without approval of Standing Committee of ESIC even though it was just an extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

10. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 14,46,88,410/- vide their letter bearing No. W-11/13/6/4/2004-PMD dated 30-07-2009 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

11. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 67,42,976/- and Rs. 93,50,910/- vide their letter bearing No. W-11/13/6/4/2004-PMD dated 16-11-2009 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

12. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 41,12,899/- vide their letter bearing No. W-11/13/6/4/2004-PMD dated 26-03-2009 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

13. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 24,18,285/- vide their letter bearing No. W-11/13/6/4/2004-PMD dated 20-07-2010 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

14. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 2,70,12,448/- vide their letter bearing No. W-11/13/6/4/2004-PMD dated 28-10-2010 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

15. The Corporation conveyed sanction of DG, ESIC for the detailed estimate for an amount of Rs. 2,45,20,372/- vide their letter bearing No. W-13/13/5/4/2004-PMD dated 16-03-2011 without approval of Standing Committee of ESIC even though it was extension of Construction work of 100 bedded Gurgaon Hospital given to same party under same agreement.

16. The original project of Rs. 22,42,22,536/= approved with the approval of the Standing Committee ultimately ended with a big amount of Rs. 59,40,13,720/= and all work was allotted to M/s NBCC without floating Open Tender against Rule 150 of GFR, 2005 for which a big amount of Rs. 5 crore is said to be paid as kick back.

17. The work under initial grant of approval of estimate of Rs. 22,42,22,536/= was awarded to M/s YMC Buildmore Pvt. Ltd., 701, Merchantile House, 15 KG Marg, Cannought Place, New Delhi inspite of the fact that the company was not fulfilling the required parameters of the project.

18. Sealed tender were invited from eligible contractors on item rate/percentage basis for the construction of 100 bedded ESIC Hospital & Staff quarters at Gurgaon (Haryana) vide Notice Inviting Tender No. 44/2007 dated 20<sup>th</sup> November, 2007. An amendment to this NIT was issued vide Amendment - 1 to NIT No. 44/2007 was issued on 28<sup>th</sup> November, 2007. An amendment to this NIT was further issued vide Corrigendum/Amendment - 2 to NIT No. 44/2007 was issued on 12<sup>th</sup> December, 2007.

19. As per the requirement published in Tender Document published under cover of NIT No. 44/2007 dated 20th November, 2007 the eligibility condition of bidding contractors as follows (**Annexure – XXXV**) :

"Should have satisfactorily completed at least three works / supplies of similar nature each costing not less than 40 % of the estimated cost OR two works of 50 % of the estimated cost OR one work of 80 % of the estimated cost during the last seven years calculated from 31.12.2006 with any Central Government Authorities/ Public Sector / State government or Local Bodies. The successful completion certificate issued by Client should contain date of start, date of completion, value on completion etc."

20. The favored party has not done any work prior to 31.12.2006 with any Central Government Authorities/ Public Sector / State government or Local Bodies. The favored party has submitted a Completion Certificate of his own commercial complex at Laxmi Nagar. The completion Certificate submitted to NBCC was issued to favoured party by M/s Gian P Mathur & Associates Pvt. Ltd., New Delhi valuing to Rs. 77.91 Crore on behalf of the favored party. Hence, in this case the certificate issuing authority and certificate receiving party are common hence illegal.

21. The information made available by MCA21 website clearly states that the favored party M/s YMC Buildmore Private Limited which was registered in the office of ROC Kanpur with CIN No. U45201UP2003PTC027238 and later registered in the office of ROC Delhi with CIN No. U70101DL2003PTC128221 has authorized capital of Rs. 15 Crore and paid up capital of Rs. 4.01 Crore. The date of incorporation of this firm is 10-02-2003. The available facts raises serious question on the claim of favoured party that he has completed work valuing to Rs. 77.91 crore in his own land. How a company which has started with a paid up capital of Rs. 4.01 Crore in February, 2003 be expected to purchase a multi crore land in prime location in Delhi and undertake a work valuing to Rs. 77.91 crore ?

22. During tender process it is observed that the favoured party's financial bids were not opened on 24-12-2007 on the ground that the party has not submitted EMD of Rs. 19.34 lakhs which seems to be grossly incorrect as the favoured party has submitted two cheques of Rs. 17 lakh dated 12-12-2007 and Rs. 2.34 lakhs dated 22-12-2007 in second tender process. From dates of both these DD it is clear that the DDs were ready by 22-12-2007. If DDs were ready on 22-12-2007 then the question needs to be answered that why the same was not submitted on 24-12-2007 during first tender process ? Whether there was some kind of intentional manipulation not to open the offer of favored party ?

23. While going through detail of vendors who were awarded one more work under this project, it was noticed that a one more vendor was engaged by name of M/s Gahoi Buildwell Ltd which was also a company of same group having common address for work of Rs. 15.76 Crores also. The files and tender documents were not provided by NBCC with respect to process of awarding of this work under RTI Act, 2005. However, from some document which were made available it is quite clear that a Notice Inviting Tender No. 21/2008 dated 13 May, 2008 was issued for inviting sealed tender from eligible contractors on item rate/percentage basis for execution of various finishing items for on going construction of 100 bedded ESIC Hospital & Staff Quarters at Gurgaon Hospital. From list of vendor it is found that the letters were sent to eligible contractors of far away location and out of nearly two and half dozen contractors only four contractor were from NCR remaining were from very distant location.

24. The work contract of Rs. 19,97,01,003=75 which was awarded to M/s YMC Buildmore Pvt. Ltd was also ultimately completed by M/s Gahoi Buildwell Ltd. From public source it is found that M/s YMC Buildmore Pvt. Ltd and M/s Gahoi Buildwell Ltd were amalgamated after awarding of work contract.

25. Now the company has again changed its name as M/s V3S Infratech Ltd. The company has also been awarded the construction of Regional Office, Kokatta also in same way.

26. Apart from above it is also found that the ESIC has engaged not only Construction Agencies by whimsy fashion but they have awarded work to Architects on exorbitant commission of 3 % of project cost in same pattern by engaging in unfair practice and forgoing the requirement of the General Financial Rules, 2005.

27. It is also observed that ESIC while approving the estimates or bided price is violating the provision as laid in Rule 204 sub rule (viii) (ix) which clearly prescribes that "Contracts should include provision for payment of all applicable taxes by the contractor or supplier". Whereas, in ESIC debarring the IT Enablement Project of ESIC in all project while signing agreement we commit to pay applicable taxes over and above the agreed price causing loss to ESIC to the tune of nearly Rs. 1000 Crores.

28. The ESIC is gracefully paying work contract tax/Service Tax/VAT to these government agencies over and above the estimated cost which are not being passed on by these government agencies to Government exchequer/sub-construction agencies/suppliers etc. Approximately Rs. 1000 Crores had already been paid in these heads which as per law should not have been paid.

29. It is prima-facie clear that many of the other construction contracts were also awarded to construction companies who were not fulfilling the eligibility criteria.

30. In view of above, it is quite clear that the Corporation is losing a lot of money for unwanted reasons. Opening of Medical Colleges is being used as a medium to engage in corrupt practice and causing harm to fund collected from Crores of poor beneficiaries is a sin which no one should do.

31. Hence, it is my humble submission to the Hon'ble Prime Minister of India to kindly issue directions / order to conduct a CBI Inquiry in these irregularities and take appropriate action for disobeying the direction of Standing Committee of ESIC and forgoing the mandate given by GFR 2005.

32. In furtherance to above goal of pinpointing irregularities and act of omission and commission, I have further collected some vital information regarding the interest held by the tainted officer and his close relatives in various legal entities and various assets which are collected from public domain. I am enclosing four lists for purpose of further investigation of matter :-

- i) The first list enclosed as **Annexure – I**, is a list of companies in which the tainted official hold his interest along with his family members. The list contains 13 companies.
- ii) The second list enclosed as **Annexure – II**, is a list of companies in which the close relatives of tainted officer hold interest along with other family members. The list contains 5 companies.
- iii) The third list enclosed as **Annexure – III**, is a list of public companies in which the tainted officer along with his family members were holding interest. The list contains 2 companies.
- iv) The forth list enclosed as **Annexure – IV**, is a list of properties held by the tainted officer in his name or in the name of his family members. The list contains 17 properties suspected to be owned by the tainted officer and his family member.

Further, to above it is also submitted that in ESIC there is large scale corruption in transfer and posting/promotion also. The DPC are conducted only after a hefty sum of bribe is collected and paid. There are nearly fifty case of serous nature of harassment and discrimination against members of SC/ST officers and employees. In some cases even favorable decisions of Hon'ble CAT is also received but the justice is still not received.

I hope the Hon'ble Prime Minister will make a good use of his office to bestow justice to members of our Federation and also take strong and strict action against corrupt officers of ESIC.

Yours faithfully,



( Heera Singh )  
**Secretary General**

**Enclosed : as above.**