



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

FOUNDER MEMBER
SHRI BHAGWATI PRASAD
RETD. INS. COMMISSIONER

ADDL. SECY. GENERAL
B. GNANA KUMAR

SECY. FINANCE
RAJ KUMAR

ASSISTANT SECY. FINANCE
UMESH KUMAR

VICE-PRESIDENTS
MAHINDER SINGH (N.ZONE)
G. SELVA KUMAR (S. ZONE)
RAJENDRA TUDU (E. ZONE)
M. G. SORTE (W. ZONE)

ASST. SECY GENERAL
ANITA SURESH (N.ZONE)
G. NARAYAN SWAMY (S. ZONE)
R. N. MALLICK (E. ZONE)
SUNIL KR. DEDE (W. ZONE)

JOINT SECRETARY
KULDEEP KUMAR (N. ZONE)
D. Y. GIRI (S. ZONE)
VIDHYANAND DAS (E. ZONE)
JAGDISH SALVE (W. ZONE)

LIAISON SECRETARIES
GOVERDHAN DAS (N. ZONE)
K. SATYANARAYANA SWAMY
(S. ZONE)
SUDIP KUMAR SARKAR
(E. ZONE)
RAM CHANDRA JATIA
(W. ZONE)

INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-038. Dated 06th November, 2017

To,

Shri Santosh Kumar Gangwar
Hon'ble Minister of State (Independent Charge)
Government of India,
Ministry of Labour and Employment,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi 110001.

Respected Sir,

With due regard, I would like to forward herewith a copy of Appeal dated 27-09-2017 submitted before the Insurance Commissioner (P & A), ESIC by Mrs. Geetanjali, Librarian Grade II against the Order No. 111-C-14/15/164/2017-PS(M) dated 31-08-2017 issued by the Director (Medical) Delhi.

The MS, DMS and DD (F) together tempered with the File processed by the Charged Officer in order to give it a colour of a huge financial loss to exchequer where as the fact is that there was not even loss of a single paisa as there was no procurement in the case. Further to it the second irregularity that the proposal had exceeded the sanctioned budget also do not hold any water as the MS and DD (Finance) were always in habit of spending in crores of Rupees in excess to sanctioned fund in various heads such as Super Speciality Treatment through third parties.

Grounds on the basis of which decision of Disciplinary Authority is challenged

1. Dr. Krishna Sudha's finding, Findings of Committee headed by Dr. Nilanjan Hazarika and Finding of Inquiry Officer were proved wrong during Departmental Inquiry in which while replying to cross-examination question No. 10 the DD(F) had himself accepted that "When staff posted in his branch engaged in some other urgent work,



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

- 2 -

librarian was called for typing once or twice". It clearly proves CO's claim substantially that the complained officer had himself accepted before Inquiry Officer that he called the CO for typing work even though she was neither under his control nor typing work comes under duties of a Librarian.

2. Dr. Krishna Sudha, Committee headed by Dr. Nilanjan Hazarika and Inquiry Officer all had failed to assess frivolousness of noting written by Shri Rajiv Lal, DD(F) who has got only mandate of examining procedure followed in procurement and fund available in budget for library purchases.
3. Since, Shri Rajiv Lal was unhappy with CO's refusal of unreasonable favors to him he vehemently expressed his intention in form of note on page No. 45 with first query in para 1 that "whether explanation has been sought from Librarian" as if he was there not to analyze the financial proposal but to study conduct of CO and to ensure that action is initiated by MS against CO. The observation clearly reflect vengeance in his eyes against the CO which Dr. Krishna Sudha, Committee headed by Dr. Nilanjan Hazarika and Inquiry Officer had failed to assess under pressure.
4. In file Noting page No. 45/N there were lot of discrepancies. The note of Mr. Rajiv Lal, bears dairy Serial Number 833 dated 06-05-2013 where as the signature bears date 05-04-2013. If same parameter would have been followed then calling of explanation of Mr. Rajiv Lal, DD (F) was also necessary which was not done.
5. From para 3 of Note of DD (F) it was clear that he had clearly understood the wrong doing of action taken by officiating MS Dr. K.C. Pant who had manipulated and tempered with file and it was presented in such a way that as if it is done by the CO only. The DD(F) had failed to show the same zeal by not giving recommendation for seeking explanation from Dr. K.C. Pant and initiating vigilance enquiry against him as was done by him against the CO.

Contd. Page No. 3/-



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

- 3 -

6. In order to target the CO Complained Officer brought wrong facts in Para 2 of his note that "As per note at page No. 36/N, the Librarian has informed that missing noting portion contains list of the books which have been selected by the various officers **and purchased**". Whereas the note actually was that "This noting portion contain list of the books which has been selected by Different HOD for purchase also containing the approval to purchase books as per the demands of the DD(F)".
7. Not only the DD(F) mislead the MS but also recommended for conducting a Vigilance Enquiry against the CO in para 2 of his note even though no purchase was made by ESIC Hospital Purchase Committee. The observations clearly reflect vengeance in his eyes against CO.
8. Para 3rd of his note clearly reflected that manipulation and tempering with file was committed by Dr. K.C. Pant, Officiating MS but it was presented in such a way that as if it is done by CO.
9. In Para 4 of his note the DD (F) had wrongly stated that "Librarian noted that missing papers contains details of Purchases of various books" whereas the CO had informed that "This noting portion contain list of the books which has been selected by Different HOD for purchase also containing the approval to purchase books as per the demands of the DD(F)".
10. Apart from above, there were traces of tempering on page No. 20/N of noting portion of file by the then Acting/officiating MS Dr. K.C. Pant who had noted down his approval on this page whereas as per chronological order the note should have been recorded on page No. 36/N. It is also suspected that the same official in connivance with regular MS and DD(F) had removed/destroyed page No. 21/N to 34/N unofficially.
11. The Officiating MS signed an approval note dated 08-02-2013 on page No. 20/N for creating fabricated evidence which was relied as

Contd. Page No. 4/-



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

- 4 -

evidence against the CO for establishing that MS was misled by CO. The MS in place giving approval on note sheet in chronological order preferred to give approval to the proposal of CO by inserting his backdated note dated 08-02-2013 on page No. 20/N where as from evidence it was clear that if due procedure would have been followed the note should have been recorded at page No. 36/N.

12. The Medical Superintendent in connivance with officiating Medical Superintendent and Deputy Director (Finance) fabricated and tempered with noting on page No. 20 by putting note dated 08-02-2013 on this page and removed noting page No. 21/N to 34/N has committed an act of cheating which is a criminal offence under Section 415 of the Indian Penal Code (45 of 1860) .
13. By doing so the Controlling Officer in connivance with other officers had with the aim and knowledge that such a tempered document will give existence to evidence in departmental proceeding before a public servant, which may cause serious loss to CO's mental peace and right to live a dignified life and justice. By doing so the controlling officer has committed criminal offence under Section 192 of the Indian Penal Code (45 of 1860) of fabricating evidences which was unreasonably used against the CO.
14. It was also proven fact that the CO joined duty after Medical Leave for 9 days from 4-2-2013 to 12-2-2013 on 13-02-2013.
15. The regular MS accorded administrative approval to the instant procurement proposal dated 16-01-2013 on 13-02-2013 at page No. 36/N.
16. On same day the CO who has just returned from her Medical Leave of 9 days was desperately searching the relevant file in office of MS but could not find the same in MS office. [Statement of Defence Witness 1 Mrs. Sunita MTS to MS against Examination in Chief Question No. 2] confirmed this fact

Contd. Page No. 5/-



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

- 5 -

17. Later on the same day Mrs. Sunita, MTS reported that she found the same file in pantry near MS Office. [Statement of Defence Witness 1 Mrs. Sunita MTS to MS against Examination in Chief Question No. 2]].
18. The file was immediately handed over to the CO by Mrs. Sunita, MTS MS office and in her presence it was found by the CO that some noting sheets were missing [Statement of Defence Witness 1 Mrs. Sunita MTS to MS against Examination in Chief Question No. 2]].
19. The sequence of events proved during departmental enquiry clearly establish that the role of Officiating MS (for points indicated at Sr. No. 11 and 12 above) and Regular MS (for points indicated at Sr. No. 13 to 19 above) was dubious and either of these were responsible for tempering and removing noting from files.
20. Since, issuance of Memorandum of Charge Sheet to till issuance of Order of dismissal the Disciplinary Authority is wrongly designated the CO as Assistant Librarian Gr. II whereas the designation of CO is Librarian Grade II.
21. Two different authorities have acted as disciplinary Authority in the CO case one is Medical Superintendent and second is Director (Medical) Delhi and incidentally both authority position was used by same person. For a cadre only one officer can act as disciplinary authority.

All sequence of events clearly establish that Mr. Rajiv Lal, DD(Finance), Officiating MS and Regular MS were in hand in gloves in act of manipulation and targeting the CO. The reasons for initiation of departmental enquiry against the CO by subsequent Medical Superintendent Dr. Kajal Goldar and awarding punishment by Director (Medical) Delhi Dr. Kajal Goldar are also same.

In spite of the fact that the CO had succeeded in proving manipulation and fabrication of evidences, by all related officers the

Contd. Page No. 6/-



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

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 09868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

- 6 -

CO's case was wrongly decided by the Inquiry Officer. The Disciplinary Authority had also ignored all relevant facts to commit harassment to CO.

Apart from above, the CO would further like to submit that recently complaints had been raised by various service associations against Mr. Rajiv Lal, who is presently working as Deputy Director In-charge of Sub Regional Office, Nandnagri for his unreasonable dictatorial and tyrannical manner for creating fear, stress and terror amongst officers and staffs.

In view of above, It is my humble submission that all the charges framed by the disciplinary authority do not hold any ground and hence are not proved. The Inquiry Officer and Disciplinary Authority had committed gross error of judgement on fact of the case by accepting the charges as proved.

In view of above facts it is my humble pray before your good self to kindly exonerate the CO from the charge as this charge do not hold any ground and have failed miserably during trail of justice.

An early action in the matter will be highly appreciated as the aggrieved person has got the responsibility of an unemployed husband and one daughter and she is on crossroads and starving for bead and butter.

Yours faithfully,

Enclosed : As above.

(Heera Singh)
Secretary General