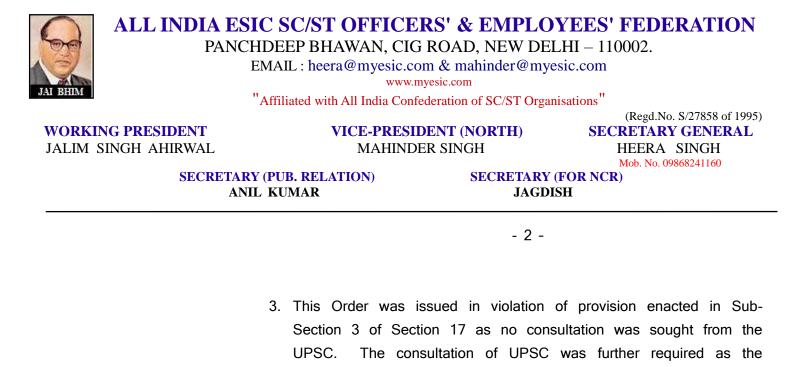
	NCHDEEP BHAWAN, CI EMAIL : heera@myesic. www	G ROAD, NEW com & mahinder@ v.myesic.com	myesic.com
	"Affiliated with All India Co		(Regd.No. S/27858 of 1995)
WORKING PRESIDENT JALIM SINGH AHIRWAL	MAHINDER SINGH HEERA		HEERA SINGH
	ARY (PUB. RELATION) ANIL KUMAR		Mob. No. 09868241160 ARY (FOR NCR) AGDISH
FOUNDER MEMBER SHRI BHAGWATI PRASAD RETD. INS. COMMISSIONER	F.No. AIESIC.SC/ST.FEI	D. 2015-039.	Dated 07th December, 2017
ADDL. SECY. GENERAL B. GNANA KUMAR	The Director Gen	ieral,	
	Employees' State Insurance Corporation,		
	Panchdeep Bhawan,		
SECY. FINANCE RAJ KUMAR	CIG Road, New Delhi - 110002.		
ASSISTANT SECY. FINANCE UMESH KUMAR	Subject: <u>Gross violation of Section 17 Sub-Section 3 of ESI Act,</u> <u>1948 while making officiating or temporary appointment</u> against the post of Joint Directors I/c by posting Deputy		
VICE-PRESIDENTS MAHINDER SINGH (N.ZONE) G. SELVA KUMAR (S. ZONE) RAJENDRA TUDU (E. ZONE) M. G. SORTE (W. ZONE)	Director I/c in SROs without consultation of UPSC and violation of ESIC Revenue Manual in SRO Nandnagri. Respected Sir,		
ASST. SECY GENERAL ANITA SURESH (N.ZONE) G. NARAYAN SWAMY (S. ZONE) R. N. MALLICK (E. ZONE)	With due regard, I would like to invite your kind attention on subject cited above and submit following facts :-		
SUNIL KR. DEDE (W. ZONE)	1. The provision of	Section 17 sub s	ection 3 clearly states that
JOINT SECRETARY KULDEEP KUMAR (N. ZONE)	A and group B		n medical posts) corresponding to group entral Government shall be made in vice Commission :
D. Y. GIRI (S. ZONE) VIDHYANAND DAS (E. ZONE) JAGDISH SALVE (W. ZONE)		sub-section shall ne riod not exceeding	ot apply to an officiating or temporary one year."
LIAISON SECRETARIES GOVERDHAN DAS (N. ZONE) K. SATYANARAYANA SWAMY (S. ZONE)			3 of Section 17 of the Employees' osed as <u>Annexure-A</u> .
(B. ZONE) SUDIP KUMAR SARKAR (E. ZONE) RAM CHANDRA JATIA (W. ZONE)	21 st October, 20 dated 21-10-2016	16 an Open end 6 was issued t	ring it to your kind notice that on led Office Order No. 222 of 2016 hrough File No. A-22/13/1/2016-E-I
INTERNAL AUDITORS KULDEEP KUMAR KAILASH CHAND		-	ere designated as Deputy Director as <u>Annexure - B</u> .
			Contd. Page No. 2/-



powers 2005.

Recruited Officers.

illegal.

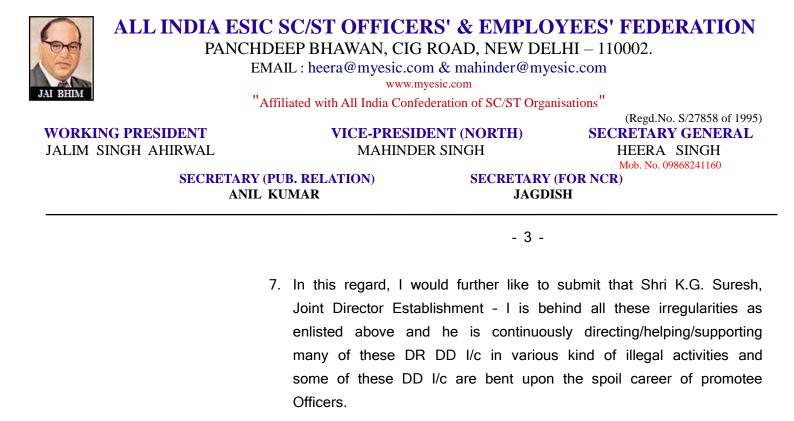
officers concerned were made to exercise the financial and administrative powers as per the delegation of powers conferred to Joint Director (I/c) as per the combined booklet of delegation of

4. This Order was further in violation of Criteria laid down for Deployment of Group 'A' Officers in (Non-medical) posts which clearly prescribes that the relevant SROs will be headed by an officer of the level of Joint Director vide Memorandum No. B-

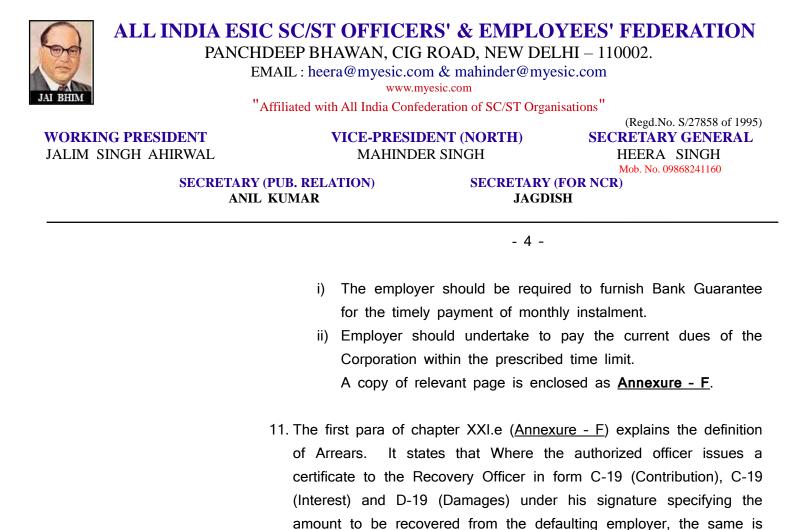
11/11/1/11-E.III. dated 01-12-2011 enclosed as Annexure - C.

5. The Competent Authority was kept in darkness and UPSC was not consulted only because there was a malafide intention of placing known DR officers on strategic positions whereas the Recruitment Rules for the post of Joint Director was against the Directly

6. Further to above it is also submitted that the delegated powers of Joint Director (I/c) cannot be delegated to Deputy Director (I/c) unless change in combined booklet of delegation of powers 2005 is incorporated with the approval of Standing Committee and ESIC. Since, the powers were delegated to Deputy Director (I/c) without following due procedure the posting of Deputy Director (I/c)s is

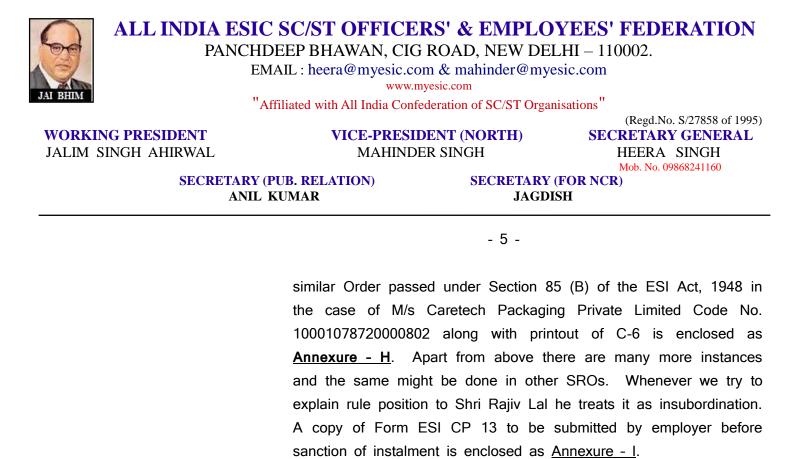


- 8. In the same disputed Office Order one Mr. M. George, Joint Director was posted as Joint Director (I/c) of SRO, Marol whereas the then Director General, had given a clear instruction that before any action for this indiscipline is taken, let the Regional Director, Ahmedabad inquire into all the cases and submit a report. In the meantime, the Director I/c, SRO Surat should be posted in areas other than Revenue till the Inquiry Report is submitted and decision taken by the Corporation. The person was posted in SRO, Marol as Joint Director I/c without the decision of Corporation. A copy of Noting page No. 30/N to 37/N of File No. S-13/1/2014-CAIU is enclosed as <u>Annexure D.</u>
- Recently, one Shri R. Thinesh Kumar, Deputy Director I/c, SRO Madurai was caught red handed by the CBI accepting bribe of Rs. 15,000/- to delay the payment of outstanding dues to ESIC of damages and for this official favour, apprehended officer demanded illegal gratification. A copy of FIR (Under Section 154 Cr.PC) is enclosed as <u>Annexure-E</u>.
- 10. As per the para 21.19 of Chapter XXI of ESIC Revenue Manual it is clearly mentioned that RDs / JD I/c have been delegated powers to sanction <u>payment of arrears in instalments</u> subject to the following guidelines :



called "arrears".

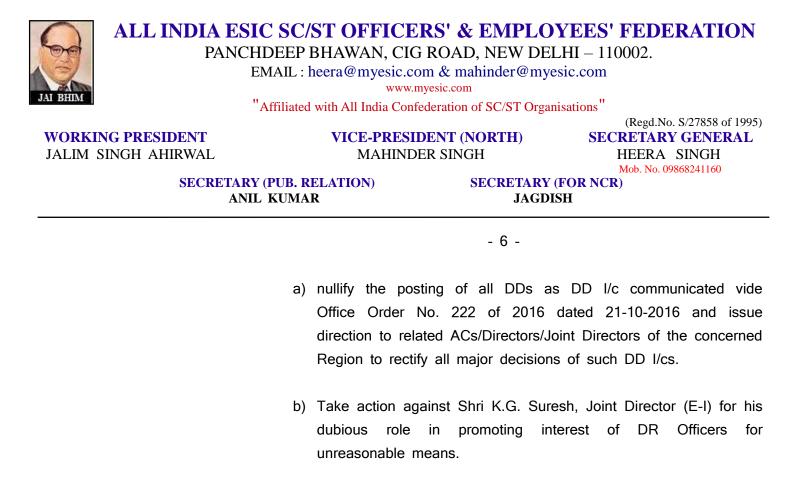
- 12. From para 10 and 11 above it is clear that the RDs / JDs I/c have been delegated powers to sanction payment of arrears in instalments where as no such power is vested with Authorised Officer passing Order under Section 85 (B) of ESI Act, 1948 as the amount assessed under Section 85 (B) becomes arrears only when D-19 is passed. The DD I/c Nandnagri is also violating the laid down procedure by sanctioning instalments during proceeding u/s 85 (B) by forgoing the requirement of issuing D-19.
- In Sub Regional Office, Nandnagri, Shri Rajiv Lal the DD I/c is also delaying the payment of outstanding dues to ESIC by fixing instalment during hearing afforded to employers under Section 85 (B) by violating above procedural requirement. A copy of Order passed under Section 85-B of the ESI Act, 1948 in the case of M/s Shubham Enterprises Code No. 10001051110001001 along with printout of C-6 is enclosed as <u>Annexure G</u>. A copy of



- 14. On 28th April, 2017, I was transferred to RO Dehradun. On 1st May, 2017 the DD Incharge offered to mediate with Headquarters Office for cancelling my transfer order for which he demanded Rs. 2 Lakhs, which I refused instantly. Annoyed of my refusal he immediately wrote a note directing me to clear pendency before getting relieved. The same was informed to Heaquarters Office vide my letter dated F. No. AIESIC.SC/ST.FED. 2015-32 dated 06th June, 2017 enclosed as <u>Annexure J</u>.
- 15. A part from above, there are numerous other stances of violation of procedural codes i.e. where action is required to be followed under Section 45 A the main action were deferred and in place of it prosecution action are initiated. In some cases the DD I/c had directed to initiate action under Section 45 A for just 3 months in place of 5 years against Defaulter unit.

With these substantial facts, I would humbly request you to kindly

Contd. Page No. 6/-



c) To initiate inquiry on irregularities intimated by the undersigned with respect to functioning of SRO Nandnagri.

Yours faithfully,

Enclosed as above.

(Heera Singh) Secretary General

Copy to :

1. Chief Vigilance Officer, ESIC, Hqrs Office, ESIC, New Delhi 110002 for information and necessary action please.