



# 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)

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**JALIM SINGH AHIRWAL**

**VICE-PRESIDENT (NORTH)**  
**MAHINDER SINGH**

**SECRETARY GENERAL**  
**HEERA SINGH**  
Mob. No. 09868241160

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**ANIL KUMAR**

**SECRETARY (FOR NCR)**  
**JAGDISH**

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**RAM CHANDRA JATIA (W. ZONE)**

**INTERNAL AUDITORS**  
**KULDEEP KUMAR**  
**KAILASH CHAND**

F.No. AIESIC.SC/ST.FED. 2015-30. Dated 21<sup>st</sup> October, 2016

To,

**The Chairman,  
National Commission for  
Scheduled Tribes 6th Floor, B -  
Wing, Loknayak Bhavan,  
Khan Market, New Delhi - 003**

**The Chairman,  
Nation Commission For  
Scheduled Castes,5th Floor, Lok  
Nayak Bhawan, Khan Market,  
New Delhi-110003**

Subject: Gross Violation of DOPT Instruction No. 20011/1/2012-Estt.(D) dated 04-03-2014 issued on subject Inter-se-seniority of direct recruits and promotees - instructions thereof –

Representation against seniority list of Social Security Officer/Branch Manager Gr. II/Office Superintendent finalized vide letter No. A-24/14/1/2008-E.I dated 15.03.2016.

Representation against Promotion Order No. 111 of 2016 dated 31.05.2016

Respected Sir,

With due regard, I would like to submit that recently the ESI Corporation had finalized the Gradation/Seniority list for the cadre of Social Security Officer/ Branch Manager Gr. II/Office Superintendent vide their letter No. A-24/14/1/2008-E.I dated 15.03.2016. While finalizing this gradation list it is felt that though the Management had tried to rectify the anomalies but still there are lot of discrepancies which exhibit tendencies of ESIC Management to favour some and disfavour others particularly the members of SC, ST, OBC, Ex-Servicemen Quota and Sports Quota category Officers.

2. Our Federation is aiming to bring justice to SC, ST and OBC in case of interpolation of vacancies among the Direct Recruitment Quota and Promotion Quota excluding Direct Recruitment Sports Quota for which approval sought, advertised, examination conducted and result were published separately. The study of the case revealed following facts :

Contd. page No. 2/-



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- 2 -

- a) As per the details made available from files of Administration year wise progressive vacancies under Direct Recruitment Quota for year 2006-07, 2007-08 and 2008-09 are as follows :

Date	Detail of Vacancies				Reference of Noting of administrative files.
	UR	SC	ST	OBC	
31.03.2007	31	16	8	28	2 <sup>nd</sup> para of page No. 74 of Noting portion of File No. A/22/15/2/2006-E.I (Note dated 11-12-2007) .
31.03.2008	51	24	45	43	2 <sup>nd</sup> para of page No. 80 of Noting portion of File No. A/22/15/2/2006-E.I (Note dated 08-10-2008) .
31.03.2009	85	28	49	49	E-I.UO Note No. A-22/15/2/2006-E-I dated 04-02-2009. Details shown in row No. 10 of table shown in para 1 of page No. 89 of Noting portion of File No. A/22/15/2/2006-E.I (Note dated 03-02-2009)

- b) In view of above it is clear that the year wise vacancies for the post of Social Security Officer/Branch Manager Gr. II/Office Superintendent are as follows :

Vacancy Year	Detail of yearwise Vacancies			
	UR	SC	ST	OBC
2006-2007	31	16	8	28
2007-2008	20	8	37	15
2008-2009	34	4	4	6

- c) From noting dated 13-02-2007 on page No. 49/N of file No. A-22/15/2/2006-E.I, it is quite clear that the recruitment process for filling DPC vacancies up to period 31-03-2007 were approved to be filled in the month of March, 2007 on 21-02-2007.
- d) From above it is clear that since the Recruitment for DPC posts for year 2006-07 was started in the same year hence the initiation of Recruitment of DR and LDCE is also deemed to be

Contd. page No. 3/-



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- 3 -

initiated in same year. Hence, the rota quota of 211 post of DPC and 83 post of DR (31 UR + 16 SC + 8 ST + 28 OBC) will be done in relevant year.

- e) From examining the seniority list of Social Security Officer/Branch Manager Gr. II/Office Superintendent finalized vide letter No. A-24/14/1/2008-E.I dated 15.03.2016 it is observed that the same had also been finalized in shabby manner giving rise to doubt of corruption in the process.
- f) There were numerous gross violations out of which only relevant gross violations are submitted before you which are as follows for your sympathetic consideration please :
- i) DOPT OM No. 20011/1/2006-Estt. (D) dated 3.3.2008 which was directed to be treated as nonexistent/withdrawn ab-initio was implemented differently for DR Unreserved Category candidates vis-a-vis DR Reserve Category candidates, DR Sports Quota Candidates.
- ii) For Senior most 31 DR General Category candidates this instruction was treated as withdrawn ab-initio as they were given retrospective seniority of year 2006-07 which is correct.
- iii) But to our dismay next 20 DR General Category candidates (Sr. No. 215, 219, 223, 227, 231, 235, 239, 243, 247, 251, 256, 257, 258, 259, 261, 263, 266, 274, 278 and 288 of finalized seniority list) who are appointed against DR vacancies for year 2007-08 were also wrongly accommodated in seniority list drawn for year 2006-07, inspite of the fact that

Contd. page No. 4/-



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- 4 -

31 post for DR General Category were already allocated to senior most 31 DR category Candidates. Here the management should have drawn year wise inter-se-merit list of relevant category only but in order to given benefit to UR category candidates of year 2007-08 and 2008-09 the reserved category DR posts are converted as Unreserved posts which is grossly against all norms.

- iv) Further to above 1 DR General Category Candidate (Sr. No. 289) who was supposed to be given seniority of year 2008-09 was also wrongly interpolated in year 2006-07 in same way as is done for UR Candidates who were recruited against UR vacancy of year 2007-08.
- v) The management had adjusted 52 candidates of Unreserved Category in seniority list finalized for year 2006-07 against 31 Unreserved posts, which clearly proves that 21 Reserved posts for year 2006-07 were filled by unreserved category candidates, which is against DOPT instructions as there is ban on de-reservation of reserved posts.
- vi) It is very unfortunate that the candidates selected against 28 DR posts reserved for OBC, 16 DR posts reserved for SC and 08 DR posts reserved for ST all for year 2006-07 are interpolated in such a way that majority of them and sports quota candidates are adjusted against vacancies of year 2007-08 and 2008-09.
- vii) For these group of affected persons all provisions of DOPT Instruction No. 20011/1/2012-Estt.(D) dated 04-03-2014 issued on subject Inter-se-seniority of direct recruits and promotees - instructions thereof as enlisted in para No. 5 (a) to 5 (i) were violated.

Contd. page No. 5/-



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- 5 -

- viii) In this regard, our Federation had examined vacancy position of year 2006-07 as indicated in para 2 of A-22/15/2/2006 note of AC (P &D) dated 13-06-2007 on page No. 69 of file No. and come to conclusion that 212 (319 - 40 - 67 = 212) candidates got promotion against year 2006-07. From para 2 (b) above it is clear that 83 post of DR (31 UR + 16 SC + 8 ST + 28 OBC) existed in year 2006-07.
- ix) Hence, the interpolation of 212 Promoted SSOs vis-a-vis 83 DR candidates (31 UR + 16 SC + 8 ST + 28 OBC) as per DOPT instruction was done by our federation and the finding of sequence of seniority is enclosed as **Annexure -**. A copy of seniority finalized by ESIC is enclosed as **Annexure -**.

In this regard, our federation had already written our representation to ESIC and in view of inaction on the part of ESIC, I on behalf of our affected members of our member associations request you to kindly consider to review this illegal seniority list for year 2006-07 which is contrary to all prevailing guidelines of DOPT.

Once the seniority list for year 2006-07 is finalized then only the finalization of seniority list of year 2007-08 and 2008-09 may also be initiated judiciously.

In view of above, I take this opportunity to represent before your good office and request you to kindly direct the DG, ESIC to remove these anomalies from finalized Gradation/Seniority list for the cadre of Social Security Officer/ Branch Manager Gr. II/Office Superintendent issued vide letter No. A-24/14/1/2008-E.I dated 15.03.2016.

Yours faithfully,

( Heera Singh )  
Secretary General

**Enclosed : As above.**