



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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INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-041. Dated 29th January, 2018

To,

The Chairman,
National Commission for Scheduled Tribes,
6th Floor, B Wing,
Lok Nayak Bhawan, Khan Market,
New Delhi - 110003.

Respected Sir,

Subject: **Re-structuring of cadre of Group 'A' Officers of ESI Corporation.**

With due regard, I would like to invite your kind attention on my enclosed letter dated 25-09-2017 and 12th October, 2017 on above cited subject addressed to the Director General, ESIC and to submit following facts for your sympathetic consideration please :

1. As per the existing Regulations namely the Employees' State Insurance Corporation, Regional Director Grade 'B'/Joint Director Recruitment Regulations, 2013 a total of first lot of 45 promotee officers working as Deputy Director (Sr. Time Scale) will be eligible for promotion out of which 21 officers promoted will be of General Category and remaining 24 (SC-10 & ST-14) officers promoted will be of SC/ST category. A copy of list of officers who will become eligible for promotion on 01-01-2019 is enclosed as **Annexure - I.**
2. Whereas, as per the existing Recruitment Rules, the first lot of Direct Recruitment Deputy Directors (Sr. Time Scale) are going to become eligible on 01-01-2020. A copy of list of officers who will become eligible for promotion on 01-01-2020 is enclosed as **Annexure - II.**

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3. Since, the proportion of SC/ST category officers getting promotion in year 2019-20 as per existing Recruitment Regulations is 53 percent of total officers for recruitment year 2019-20 the ESIC with an attitude of denying benefit of promotion to these officer is trying to meddle with existing Recruitment Rules in such a way that these officers could not get benefit of existing Recruitment Regulations.
4. Recently, ESIC had proposed an amendment of Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director vide their Memorandum No. A-12(11)3/2017-E.I dated 29-12-2017 (Enclosed as **Annexure - III**). In this draft regulation the ESIC had proposed to make following changes:-
 - A. It has proposed to remove existing primary as well as failing clause which was adopted with full consultation of Ministry, UPSC and DOPT. This proposed action of ESIC is detrimental to interest of promotee officers out of which majority belong to SC/ST category as explained in para 1 above.
 - B. In order to build up artificial gap between the post of Assistant Director, Deputy Director and Joint Director, the ESIC is trying to insert one more proposed non-existent cadre of Senior Deputy Director between Deputy Director and Joint Director which is being proposed to be done only to harm and alienate the interest of promotee officers which also included SC/ST officers.
 - C. In order to give unreasonable favour to Direct Recruitment Officers and harming interest of 14 ST officers, the ESIC had further made a provision that the service rendered by Senior

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Deputy Director (Senior Time Scale) in level 11 shall also be counted as minimum qualifying service for promotion under primary clause as well as failing which clause. It is unconstitutional for following reasons :

- i) The use of this provision will allow unjust enrichment to Direct Recruitment Officers for following reason :
 - a) Financial up gradation benefit for non functional posts
 - b) Use of this non-functional experience counted as functional experience.
 - ii) The proposed beneficiaries have gained this non-functional promotion through backdoor entry in just four years in violation of DOPT guidelines as contained in para 3.12.2 and then existing Recruitment Regulations.
- D. The ESIC had in order to harm the interest of majority SC/ST officers along with some other General Category Officer had intentionally not incorporated a note 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" in violation of guidelines given in para 3.1.3 of DOPT Guidelines on subject Framing/Amendment/Relaxation of Recruitment Rules (Enclosed as **Annexure - IV**).
- E. In this regard, our federation had written a letter bearing No. 2015-36 dated 25th September, 2017 (Enclosed as **Annexure - V**) to DG, ESIC.



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F. Further to above, our federation had written one more letter bearing No. 2015-37 dated 12th October, 2017 (Enclosed as **Annexure - VI**)

Hence, in view of above and in the interest of 10 affected officers belonging to Scheduled Caste Category, I would like to request you to kindly use your august office for bringing justice to affected persons by initiating following actions :

1. To direct the DG, ESIC to immediately withheld the action initiated for Amendments/framing of Recruitment Regulations for the post of Deputy Director, Senior Deputy Director and Regional Director Grade 'B'/Joint Director in ESI Corporation.
2. In case the DG, ESIC considers it inevitable to review the Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director, he may be made to incorporate following amendments to save the interest of affected 14 ST Officers.
 - 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 (Enclosed as **Annexure - IV**).

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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 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 (Enclosed as **Annexure - VII**) 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.