



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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VICE-PRESIDENT (NORTH)

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SECRETARY GENERAL

HEERA SINGH

Mob. No. 09868241160

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(S. ZONE)
SUDIP KUMAR SARKAR
(E. ZONE)
RAM CHANDRA JATIA
(W. ZONE)

INTERNAL AUDITORS

KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-042.

Dated 08th March, 2018

To,

The Director General,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
CIG Road,
New Delhi - 110002.



- Subject: 1) Misconduct of Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi by Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case.
- 2) Concealing of fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred.
- 3) By doing so the delinquent Employer was blessed with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
- 4) Compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
- 5) The Deputy Director I/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).

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- 6) The Deputy Director I/c made complaint for filing FIR (document) containing many false facts and statement, intending that such false statement may appear in evidence in a judicial proceeding or in a proceeding taken by law before a Public Servant as such and that such false statement so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding. This conduct of Deputy Director I/c is also a criminal offence under Section 192 of IPC (Act XLV of 1860).

Respected Sir,

With due regard, I would like to invite your kind attention on important issues highlighted in subject cited on page No. 1 of this letter and to submit as follows :

1. That the Deputy Director In charge, SRO Shahdara, Delhi has forwarded certain manipulated facts to Additional Commissioner cum Regional Director Delhi vide his letter bearing No. D/DO/Shad./P.G./11/8/2017/1136 dated 28-09-2017 **enclosed as Annexure - I**. These incomplete and wrong facts were ultimately forwarded to the Director General with certain recommendations by the then Regional Director.
2. On the basis of these recommendations the Hqrs. Office issued following directions vide their letter No. Death/Compl.case 2017/Bft dated 25-10-2017 **enclosed as Annexure - II** :



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- a) Lodge FIR against M/s Anmol Enterprises and its Proprietor.
 - b) Lodge FIR against Head Clerk Mohinder Singh and take disciplinary action against him.
3. In compliance of direction of Hqrs. Office the Deputy Director In charge filed a complaint for registering FIR against M/s Anmol Enterprises, Shri Anmol Ratan Sharma S/o Sh. R.K. Sharma, Shri Mohinder Singh (Assistant, ESIC Branch Office Shahdara) and others vide his letter No. D/DO/Shd/PG/11/8/2017 dated 03-11-2017 **enclosed as Annexure - III**. The complaint was filed in wrong Police Station of Shahdara whereas from the complaint itself it was clear that the criminal offence was committed in Nandnagri.
 4. While going through the written complaint for registering FIR filed with wrong police station it was noticed that the written complaint was infected with various inglorious and misreported, half reported and various concealed facts in order to target one of member of our Member Association.
 5. A comparative statement of facts submitted in complaint for registering FIR and detail of wrong / false statement and concealed facts is as follows :

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	Contents of letter of FIR filed with Police	Detail of false statements and omission of relevant and important facts
	<p>The complainant received an information cum complaint dated 09-08-2017 from one Ms. Anjali Dhawan, Advocate for and on behalf of her client Smt. Malti Devi w/o Late Shri Rakesh Mishra S/o Shri Ram Naresh Mishra. In her complaint dated 09-08-2017 Ms. Anjali Dhawan informed that Husband of Smt. Malti Devi, Late Shri Rakesh Mishra who died due to an injury sustained while working with M/s Anmol Enterprises was never covered under ESI Act and the claim of Benefits of Late Shri Rakesh Mishra S/o Shri Ram Naresh Mishra has got wrongly being processed and admitted by the department on the basis of forged and fabricated documents created by the employer Shri Anmol Ratan Sharma in order to escape their liabilities under other Labour Law regimes.</p> <p>That the said complaint of Ms. Anjali Dhawan Advocate dated 09-08-2017 was further taken up in investigation by this office by forming a team comprising of Shri Azad Singh (Assistant Director), Shri Amit Bhalla (SSO) and Shri Snehil Lodhi (Assistant) and the investigation has revealed as under :-</p>	No Comments
1.	That one Shri Rakesh Mishra S/o Sh. Ram Naresh Mishra died in an accident occurred at the premises of M/s Anmol Enterprises, 1/342B, Gali No. 1, Friends Colony, Industrial area, Mansarovar Park, Delhi on dated 26-06-2016. An FIR to this effect was also registered with the concerned police station.	No Comments
2.	That the said Anmol Enterprises was registered under the ESI Act vide Employer Code No. 10001173890000502 on 14-01-2014 (created online) with its proprietor Shri Sachin Malik son of Shri Jaipal Singh Malik at 8/61 A Ram Gali, Vishwas Nagar, Shahdara, Delhi – 110032 with email ID as jyotimetal16@gmail.com . The firm was registered and code no. was generated by the employer. The code No. was generated using the user ID and name of the employer.	That M/s Jyoti Metal was registered under the ESI Act vide Employer Code No. 10001173890000502 on 14-01-2014 (created online) with its proprietor Shri Sachin Malik son of Shri Jaipal Singh Malik at 8/61 A Ram Gali, Vishwas Nagar, Shahdara, Delhi – 110032 with email ID as jyotimetal16@gmail.com . The detail given that Anmol Enterprises was registered on 14-01-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. <u>A copy of original C-11 is enclosed as Annexure – IV.</u>



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3.	<p>That on 10-09-2014 the name of the firm M/s Anmol Enterprises was changed to M/s Jyoti Metal with the same proprietor Shri Sachin Malik the mobile No. of the employer is also updated on 10-09-2014 to 9212598516 from the IP Address 10.50.120.51 which belongs to this office and from the user ID snehlodh which belongs to Shri Snehil Lodhi, Assistant posted at this office. The changes were approved on 10-09-2014 from the IP address 10.50.32.11 by user name and ID delhida100. In 2014, data updation exercise was done in whole of the ESIC to verify the credentials of employers.</p>	<p>The employer was originally registered as M/s Jyoti Metal with Employer Code No. 10001173890000502 on 14-01-2014. The statement of DD I/c that name of firm M/s Anmol Enterprises was changed to M/s Jyoti Metal on 10-09-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. <u>A copy of Challan Status Report for Challan No. 01014102052763 created on 22-01-2014 for Rs. 3793 (Annexure – V) , Challan No. 01014107077912 created on 25-03-2014 for Rs. 7894 (Annexure – VI), Challan No. 01014117614246 created on 01-08-2014 for Rs. 12754 (Annexure – VII), and Challan No. 01015113764632 created on 15-06-2015 (Annexure – VIII) clearly show that the name of unit during period 14-01-2014 to 15-06-2015 as M/s Jyoti Metal. A copy of challan dated 22-01-2014 (Annexure IX), challan dated 25-03-2014 (Annexure X) and Challan dated 01-08-2014 (Annexure XI) are enclosed.</u></p>
4.	<p>That on 28.06.2016 the corporation received an accident report from M/s Anmol Enterprises through its proprietor Shri Anmol Ratan Sharma reporting the accidental death of Shri Rakesh Mishra Son of Shri Ram Naresh Mishra purportedly having Insured Person No. 1114274369.</p>	<p>In view of documentary evidences placed in case as Annexure IV to XI this statement is also grossly incorrect and manipulated. Since, the name of employer was changed from M/s Jyoti Metal to M/s Anmol Enterprises on 13-10-2016 and the name of stake holder Mr. Anmol Rattan Sharma was also enrolled on 13-10-2016 and the residential address of IP was also changed on 13-10-2016 the statement that online accident report with these details filed on 28-06-2016 is grossly misplaced and not based on material facts and is an attempt to favour private parties.</p>



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5.	<p>That on 11-10-2016, a change of name was initiated for the employer code no. 10001173890000502 from M/s Jyoti Metal to M/s Anmol Enterprises. It is pertinent to mention that earlier the name of Anmol Enterprises was changed to M/s Jyoti Metal on 10-09-2014 and was again changed to Anmol Enterprises on 11-10-2016. Along with the name, the address of the firm was also changed to 1/342B Gali No. 1 Friends Colony Industrial Area Mansarovar Park, Delhi. Interestingly the mobile no. of the employer i.e. 9212598516 remained unchanged. However, the email id of the firm was changed to jainconsultancy833@yahoo.co.in. These changes were requested by the employer from his user ID. The change of address and bank details were approved on 13-10-2016 at 9:37:48 am from the IP address 10.52.129.2 which is of ESIC Branch Office, Shahdara using user ID MOHINSIG which belong to Shri Mohinder Singh who is working in the Branch Office as Assistant.</p>	<p>The employer was originally registered as M/s Jyoti Metal with Employer Code No. 10001173890000502 on 14-01-2014 and the name of employer and stakeholder were changed only once on 13-10-2016. The detail given that Anmol Enterprises was registered on 14-01-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. (<u>Annexure IV to XI</u>)</p> <p>Here the DD I/c had intentionally omitted to mention that the particulars of employer can be changed with the approval of Branch Officers of RO and SRO only so that with the omission of this fact Shri Mohinder Singh, Assistant could be targeted for everything which he had not committed. The role of person who was assigning roles / mapping roles of Branch Officer and Branch Manager to Assistant was also not properly revealed in order to protect real culprits and employer. The role of WIPRO employee who was driving force behind these manipulations was concealed.</p> <p>Further to above, it is also informed that the DD I/c had also concealed the fact that Mobile Number 9212598516 also pertain to Mr. Sachin Kumar Jain, ESI and EPF consultant of area and sole mind behind this manipulation was to favour Mr. Jain and his clients for undue consideration</p>
6.	<p>That again on 13-10-2016 at about 9:52:25 am an online request for change of owner name of the firm M/s Anmol Enterprises from Sachin Malik to Shri Anmol Ratan Sharma Son of Shri R K Sharma was made from IP Address 10-52-129-2 which pertains to Branch Office Shahdara and the said change was also approved on 13-10-2016 itself at about 10:07:35 am from the user ID MOHINSIG which belongs to Shri Mohinder Singh Assistant. It is pertinent to mention herein that attendance record for 13-10-2016 shows that Shri Mohinder Singh Assistant was present in the Office on 13-10-2016.</p>	<p>Here the DD I/c had intentionally omitted to mention that the particulars of employer can be changed with the approval of Branch Officers of RO and SRO only so that with the omission of this fact Shri Mohinder Singh, Assistant could be targeted for everything which he had not committed.</p> <p>The role of person who was assigning roles / mapping roles of Branch Officer and Branch Manager to Assistant was not properly revealed in order to protect real culprits, consultant and employer. The role of WIPRO employee who was driving force behind these manipulation was concealed.</p>



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7.	<p>That on 13-10-2016 itself the credentials like appointment date employer code, address, dependent name etc of one Shri Rakesh Mishra Son of Shri Shashikant Mishra who is the original IP having allotted the IP No. 1114274369 while he was working with one M/s Indigo Engineering now known as Indigo Project Pvt Ltd. Having ESI Code No. 11001168580000699 having office at WZ 13D/2 1st floor Rajendra Tower Asiat Pur, Janakpuri, New Delhi (the code of the company while it was Indigo Engineering was 11001157430000699). It appears that somebody was aware that Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 had left the employment of M/s Indigo Engineering as contribution on this code was not being deposited for quite a long time. Thus somebody being aware of the above facts deliberately changed the credentials of Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 to match the details of deceased Shri Rakesh Mishra son of Shri Ram Naresh Mishra in order to get him covered under the provisions of ESI Act from back date. It is informed that the Branch Manager, Shahdara vide his email dated 11.10.2017 informed that as per the branch office dak diary register and current file of correction in IP details, no application has been found in the branch office, Shahdara in respect of data correction of above mentioned deceased IP.</p>	<p>Here the DD I/c had intentionally omitted to mention</p> <ol style="list-style-type: none">1. From first TIC generated in name of disputed Insured person it is revealed that Shri Rakesh Mishra son of Late Shashikant Mishra was registered with employer code No.11001157430000699 (Enclosed as Annexure XII), but from IP Contribution Check option it is revealed that no contribution was ever paid in the name of IP on this employer code. In fact the date on which IP was appointed i.e 01-11-2013 the employer was not making compliance and it was defaulter since 08/2012 (Copy of C-11 enclosed as Annexure XIII)2. From IP Contribution Check option it is revealed that contribution for only 43 days is paid during half year of October, 13 to March, 2014 under code No. 11001168580000699 (Enclosed Annexure XIV) which raises serious question on trustworthiness of this employer also.3. From IP Contribution Check option it is also revealed that no contribution is paid in the name of Shri Rakesh Mishra son of Late Shashikant Mishra (current Insurance No. 1115157980) by his current employer M/s Xalta Food and Beverages Private Limited Code No. 110012109700000008 even today. A copy of C-11 is enclosed as Annexure –XV. As on 26-02-2018 the employer is defaulter since 01-09-2016. Employer had created challan for the month of Sept, 2016 and October, 2016 but challan realization date in not reflected in C-6. From November, 2016 onwards no challan is created. It raises serious question on trustworthiness of this employer also.4. The power to approve change of particulars of Insured person lies with the Branch Manager and mapping role of Branch Manager of Branch Office and Branch Officer of SRO with an Assistant of Branch Office raises serious question on person who are assigned the powers of mapping roles of various users.
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8.	<p>That it is pertinent to mention herein that on 13-10-2016, employer of M/s Anmol Enterprises for the first time made declaration that Late Shri Rakesh Mishra son of Shri Ram Naresh Mishra was his employee showing his date of joining as 02-03-2016. The said changes were made from the user ID and name of the employer M/s Anmol Enterprises having no. 10001173890000502.</p>	<p>Here the DD I/c had omitted to mention that the IP's DFs date of appointment details clearly shows that the employer was appointed by following employers and contribution is paid with respect to only two employer with detail against their name :</p> <table border="1" data-bbox="1311 609 2400 1198"><thead><tr><th>Name & Code No.</th><th>Date of Appointment</th><th>Detail of Contribution paid</th></tr></thead><tbody><tr><td>M/s Indigo Engineering 11001157430000699</td><td>01-11-2013</td><td>Nil</td></tr><tr><td>M/s Indigo Infraprojects Pvt. Ltd. 11001168580000699</td><td>01-11-2013</td><td>Paid contribution for 43 days in period 10/2013 to 03/2014</td></tr><tr><td>M/s Tilak Raj Arora 10001192970000499</td><td>01-04-2015</td><td>Nil (TIC is enclosed as Annexure –XVI.)</td></tr><tr><td>M/s Anmol Enterprises 10001173890000502</td><td>02-03-2016</td><td>Paid contribution for 18 day for month of March, 2016. Paid contribution for 63 days from April to June, 2016.</td></tr></tbody></table> <p>Payment of Nil contribution by two employers and very less contribution by remaining two employers clearly shows the sorry state of compliance.</p> <p>As per the C-6 M/s Tilak Raj Arora is not making any compliance since first day of registration and the DD I/c had completely ignored this default to favour this employer. A copy of C-6 register showing “No data found” is enclosed as Annexure – XVII.</p>	Name & Code No.	Date of Appointment	Detail of Contribution paid	M/s Indigo Engineering 11001157430000699	01-11-2013	Nil	M/s Indigo Infraprojects Pvt. Ltd. 11001168580000699	01-11-2013	Paid contribution for 43 days in period 10/2013 to 03/2014	M/s Tilak Raj Arora 10001192970000499	01-04-2015	Nil (TIC is enclosed as Annexure –XVI.)	M/s Anmol Enterprises 10001173890000502	02-03-2016	Paid contribution for 18 day for month of March, 2016. Paid contribution for 63 days from April to June, 2016.
Name & Code No.	Date of Appointment	Detail of Contribution paid															
M/s Indigo Engineering 11001157430000699	01-11-2013	Nil															
M/s Indigo Infraprojects Pvt. Ltd. 11001168580000699	01-11-2013	Paid contribution for 43 days in period 10/2013 to 03/2014															
M/s Tilak Raj Arora 10001192970000499	01-04-2015	Nil (TIC is enclosed as Annexure –XVI.)															
M/s Anmol Enterprises 10001173890000502	02-03-2016	Paid contribution for 18 day for month of March, 2016. Paid contribution for 63 days from April to June, 2016.															



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9.	<p>That it is pertinent to point out the material changes that were deliberately made by the employer/his representative or under his instruction in order to get deceased Shri Rakesh Mishra son of Shri Ram Naresh Mishra to be covered under ESI Act after his death from a back date.</p> <table><tr><th>Type of change</th><th>From</th><th>To</th></tr><tr><td>IP Permanent Address</td><td>V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh</td><td>14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar</td></tr><tr><td>Pincode</td><td>Nil</td><td>110094</td></tr><tr><td>Mobile No.</td><td>Nil</td><td>8130852892</td></tr><tr><td>IP Nominee</td><td>Nil</td><td>Malti Devi</td></tr><tr><td>Father's Name</td><td>Shri Shashi Kant</td><td>Shri Ram Naresh Mishra</td></tr><tr><td>Date of Birth</td><td>05-08-1991</td><td>01-01-1976</td></tr><tr><td>Marital Status</td><td>Unmarried</td><td>Married</td></tr></table>	Type of change	From	To	IP Permanent Address	V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh	14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar	Pincode	Nil	110094	Mobile No.	Nil	8130852892	IP Nominee	Nil	Malti Devi	Father's Name	Shri Shashi Kant	Shri Ram Naresh Mishra	Date of Birth	05-08-1991	01-01-1976	Marital Status	Unmarried	Married	<p>Here the DD I/c had omitted to mention that the employer in order to transfer his liability under Workmen Compensation Act on ESIC had not only wrongly covered his dead employee under ESI Act from back date but he also covered his own firm from back date under ESI Act on borrowed identity of M/s Jyoti Metal in order to evade his liabilities.</p> <p>By doing so the DD I/c had given undue favour to employer M/s Anmol Enterprises by providing them a ground to dispute claim of widow of deceased employee in Workmen Compensation Court by unduly showing that his firm was legally registered under ESI Act.</p>
Type of change	From	To																								
IP Permanent Address	V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh	14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar																								
Pincode	Nil	110094																								
Mobile No.	Nil	8130852892																								
IP Nominee	Nil	Malti Devi																								
Father's Name	Shri Shashi Kant	Shri Ram Naresh Mishra																								
Date of Birth	05-08-1991	01-01-1976																								
Marital Status	Unmarried	Married																								
10.	<p>That it is submitted that during the investigation undertaken, the team of the complainant office was able to locate original Shri Rakesh Mishra S/o Shri Shashi Kant Mishra who is still alive and visited SRO Shahdara on 25-09-2017. He made available various documents of his identity such as PAN Card, High School certificate, Aadhar Card and Salary Slip for the month of April, 2017 issued by M/s Xalta Food and Beverages Pvt. Ltd., 161, B/4, 4th Floor, Gulmohar House, Gautam Nagar, Yusuf Sarai, New Delhi and also provided his new IP number generated by his new employer being 1115157980. Shri Rakesh Mishra S/o Shashi Kant Mishra presently residing at E-2/139, Fourth Pushta, Soniya Vihar, Karawal Nagar, Delhi – 110094.</p>	<p>Here it is pertinent to mention that the DD I/c intentionally not allowed the investigation team to visit M/s Jyoti Metal for investigating this matter for ulterior motives. The matter was allowed to be investigated lopsided giving too importance to prove registration of IP unlawful and completely ignoring the unlawful registration / transfer of title of employer himself. Had the registration / transfer of title of employer been proved unlawful the registration of IP would have been itself become unlawful.</p>																								



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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

11.	<p>That it is submitted that apparently proprietor of M/s Anmol Enterprises Shri Anmol Ratan Sharma and/or Shri Sachin Malik hatched a conspiracy whereby they with the help of certain other people got their deceased employee Rakesh Mishra S/o Ram Naresh Mishra registered with the ESI Corporation by misusing and hacking / furnishing wrong information and wrongfully registering him against Shri Rakesh Mishra S/o Shashi Kant Mishra in order to escape their liability to compensate the family of their deceased employee Rakesh Mishra son of Ram Naresh Mishra and to wrongfully shift the said onus / liability upon ESIC. The accused have interfered with the computer system of the complainant corporation, they have created forged and fabricated documents in order to mislead a public servant to deliver benefits to a person who is otherwise not entitled to receive such benefits and have further caused to deny the rightful compensation to the depends of the late Shri Rakesh Mishra S/o Ram Naresh Mishra and has also committed an act of cheating as on the basis of the documents submitted by them and the changes carried out by them as explained above, this corporation approved the death benefits to be paid to the dependents of late Shri Rakesh Mishra S/o Ram Naresh Mishra who are otherwise not entitled to receive such benefits. However, on receiving the complaint and investigation thereof, the claim was rejected subsequently.</p>	<p>The DD I/c had concealed the material fact that M/s Anmol Enterprises was not originally registered with ESIC. It was M/s Jyoti Metal which was registered with ESIC with code No. 10001173890000502 and the ownership, address and code No. of unit was shifted from M/s Jyoti Metal to M/s Anmol Enterprises only after the accident had occurred in the premises of M/s Anmol Enterprises. The same seems to have been concealed for unlawful consideration.</p>
12.	<p>In view of above it is most humbly prayed that an FIR against the above named persons Namely Shri Anmol Ratan Sharma S/o Shri R.K. Sharma, Owner of M/s Anmol Enterprises, address 1/342B, Gali No. 1, Friends Colony Industrial are, Mansarovar Park, Delhi and Shri Mohinder Singh, Assistant, ESIC Branch Officer Shahdara and for the offenses as enumerated above as well as any other offence that you may deem appropriate or which is made out may kindly be registered and appropriate action may kindly be taken against the accursed persons/others accordingly.</p>	<p>No Comments.</p>



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From above facts it is well established that Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi had not only mislead the Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of unduly raised claim to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case, but had fabricated with the facts of the case with Criminal Intent of favouring the delinquent Employers and in the process targeting Shri Nagender Kumar, Branch Manager and Shri Mahinder Singh, Assistant which is a criminal offence under Section 192 of IPC (Act XLV of 1860).

While doing so the accused person had committed following act of misconduct which also tantamount to criminal offences :

1. Concealing of material fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred which was concealed for gaining unlawful favours from employer.
2. By doing so the delinquent Employer was blessed by Deputy Director Incharge with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
3. The Deputy Director Incharge in order to manipulate the case of Shri Rakesh Mishra for ulterior motive used his discretionary power to withdraw work of Shri Nagender Kumar, Branch Manager to investigate and approve the death case.
4. In order to manipulate this case he allotted this case to SSO of his choice and forced him to recommend the case and he himself admitted the death case in haste.



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5. When complaint was received against acceptance of this case he himself rejected this case and in order to favour employer twisted the nature of offence committed by the employer by misleading the Director General, ESIC and Police Authorities about the facts of the case.
6. During all these manipulations the core responsible branches i.e. Benefit Branch and Revenue Branch were not taken into confidence and the Deputy Director Incharge got everything done from PG Cell.
7. In this case the compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
8. The Deputy Director I/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).
9. The Deputy Director I/c submitted a written complaint for filing FIR (document) containing many false facts and statement, intending that such false statement may appear in evidence in a judicial proceeding or in a proceeding taken by law before a Public Servant as such and that such false statement so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding. This conduct of Deputy Director I/c is also a criminal offence under Section 192 of IPC (Act XLV of 1860).



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The Headquarters Office was well informed about these kinds of behaviour of Shri Rajiv Lal, Deputy Director Incharge with full evidences but some of the officers of Headquarters particularly Shri K. G. Suresh, Joint Director (Establishment I) is deeply involved with the Deputy Director Incharge and is reaping unreasonable favours from Deputy Director Incharge for protecting him.

In view of above, your good office is requested to kindly take appropriate actions to sensitise Shri K.G. Suresh, Joint Director (E-I) and Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi and other officers of Headquarters Office appropriately for their act of supporting unconstitutional, Criminal, Nefarious Misdemeanours of Shri Rajiv Lal in SRO, Shahdara, Delhi.

An early action in the matter will be highly appreciated.

Yours faithfully,

(Heera Singh)

Secretary General

Enclosed : as above.

Copy to :

The **Additional Commissioner and Regional Director**, Regional Office, ESIC, Rajindra Bhawan, Rajindra Place, New Delhi - 110009.

- For information please.