



ALL INDIA ESIC SC/ST OFFICERS' & EMPLOYEES' FEDERATION

PANCHDEEP BHAWAN, WING NO. 4, SHIVPURI, PREM NAGAR, DEHRADUN, U.K. – 248007

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"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. 2015-044. Dated 29th May, 2018

To,

Shri Vinay Mittal,
Chairman,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi 110069.

Subject : **Amendments/framing of Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director in ESI Corporation.**

Sir,

With due regard, I would like to submit that ESIC a Statutory Body working under Ministry of Labour and Employment had recently proposed to amend the existing Recruitment Regulation for the posts of Regional Director Grade 'B'/Joint Director and hence forwarded a proposal to UPSC in this regard.

In this regard, I would like to submit that while getting the Draft Regulations approved from ESIC the department had intentionally ignored following genuine grievances with respect to proposed draft ESIC Regional Director Grade 'B'/Joint Director Recruitment Regulation, 2017 in order to favour 11 officers who are going to be eligible for promotion on 01-01-2020 over 45 officers who are going to be eligible on 01-01-2019 as per existing Recruitment Rules:



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1. That, the existing ESIC Regional Director Grade 'B'/ Joint Director Recruitment Regulations, 2013 is as per the Guideline prescribed by DOPT for formulating Recruitment Rules and is duly vetted by UPSC also. Changing it in present format will hamper promotion prospects to 45 officers who as per existing RR are going to be eligible on 01-01-2019 will become eligible for promotion as per proposed RR on 01-01-2024.
2. That, the existing ESIC Regional Director Grade 'B' / Joint Director Recruitment Regulation, 2017 is contemplating to create circumstances in which the ex-cadre post of Deputy Director (Finance) will be made eligible to the post of Joint Director (Administration). Both the post of Deputy Director (Finance) and Deputy Director (Administration/ Revenue/Legal) are filled through different Recruitment Regulations and former is a specialized cadre and subsequent is a general cadre. Clubbing of cadres was previously allowed only in cases of isolated posts with the prior approval of DOPT for purpose of maintain reservation rosters. In the instant case neither of the cadres were isolated nor was any approval for clubbing sought from DOPT. Mixing of specialized cadre and General cadre had resulted in large scale embezzlement of funds of ESIC as is traced in ESI Basaidarapur Hospital (Rs. 5 Crores), Directorate Medical Delhi (15 Crores).
3. That, para 3.1.3 of DOPT Guidelines stipulate that,
"RETENTION OF EXISTING ELIGIBILITY SERVICE
3.1.5 Where the eligibility service for promotion prescribed in the existing rules is being enhanced (to be in conformity with the



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guidelines issues by this Department) and the change is likely to affect adversely some persons holding the feeder grade posts on regular basis, 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, could be included in the revised rules."

This guidelines has not been followed in the instant case and those who are on verge of being eligible for promotion on 01-01-2019 are being denied their right of being eligible by unreasonable means of changing the Recruitment Rules just few months before their being eligible.

The Draft Recruitment Rules have been designed in such a way that it is going to make 11 officers eligible after completion of just 09 years on 01-01-2019 against the DOPT guidelines which prescribed 5 years experience for promotion to Grade pay of Rs.6600/- and five years experience for Grade Pay of Rs. 7600/-.

4. That, the persons who are proposed beneficiary of proposed draft Recruitment Regulation had already reaped unlawful benefit of getting non-functional promotion for the post of Deputy Director (STS) after just completing four years of service without mandate of the then Existing Recruitment Regulation and also in violation of DOPT Instructions as contained in para 3.12.2.
5. The first note of column No. 11 of Schedule of Draft Recruitment Regulation, 2017, states that "service rendered by Senior Deputy



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Directors in non functional pay scale under the nomenclature of Deputy Director (Senior Time Scale) 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 Direct Recruitment Officers unreasonable double benefit of
 - a) Benefit of Non functional Financial up gradation in violation of RR;
 - b) Use of this tenure of non-functional financial up gradation as functional experience.
- ii) The beneficiaries have gained this non-functional promotion through backdoor in just four year in violation of the then existing Recruitment Regulation without approval of UPSC.
- iii) The beneficiaries have been provided officiating appointment by treating unlawful Non-functional financial up gradation as functional up gradation by giving officiating charge against the posts of Joint Director I/c **without seeking consultation of UPSC in violation of Section 17 sub section - 3 of the ESI Act, 1948.**

6. The 135 posts of Joint Director as shown in existing Recruitment Regulation has been changed to 94 in draft Recruitment Regulations, 2017. The note marked as asterisk is contradictory as it reflects that the figure is not yet finalized.



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7. The ESIC Regional Director Grade 'B'/ Joint Director Recruitment Regulations, 2013 had come into existence on 23rd October, 2013 By proposing draft Regional Director Grade 'B'/Joint Director Recruitment Regulation. 2017 we are reviewing it just after four years is violation of Part III para 3.1.5 of **Guidelines on framing / amendment / relaxation of recruitment rules** and clearly indicates biasness of Management towards a particular bunch of 11 officers. The abstract of guideline is as follows :

"The Recruitment Rules should be reviewed once in 5 years with a view to effecting such change as are necessary to bring them in conformity with the changed position, including additions to or reductions in the strength of the lower and higher level posts."

8. In column No. 11 of Schedule of draft ESIC Regional Director Grade 'B'/ Joint Director Recruitment Regulations, is crafted in such a manner that it clearly reflects that it is being molded to help some persons who will get unjust career enrichment. The proposed primary clause should have failing clause also as per DOPT guidelines which clearly prove that the management is changing all Recruitment Regulations not only for benefit of 11 officers (out of which one officer is trapped by Central Bureau of Investigation on receiving bribery) but also to harm interest of promotion cadre officers by delaying their eligibility by five years who otherwise becoming eligible for promotion on 01-01-2019 as per existing Recruitment Rules.



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In view of above compelling reasons, you are requested to kindly examine these proposed Recruitment Regulations as it is going to harm career progression of 45 Deputy Directors who are going to be eligible on 01-01-2019 and many of these officers belong to SC and ST category also..

Yours faithfully,

Dated : 29-05-2018

(Heera Singh)
Secretary General