



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

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

EMAIL : heera@myesic.com & mahinder@myesic.com

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"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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Mob. No. 09868241160

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INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED.2015-048/R-I. Dated 06th Dec., 18.

To,

Dr. G. Narayana Raju,
Secretary, Govt. of India,
Ministry of Law and Justice,
Govt. of India,
4th Floor, A – Wing, Shastri Bhawan,
New Delhi - 110001.

Subject: **Violation of DoPT Guidelines while Amending / framing of Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director in ESI Corporation (Ministry of Labour and Employment) for harming interest of 45 promoted officers out of which 24 officers belong to Reserve Category.**

Sir,

With due regard, I would like to invite your kind attention on my letter No. AIESIC.SC/ST.Fed. 2015-037 dated 12th October, 2017 addressed to the Director General, ESIC and my representation of even number dated 12th October, 2018 addressed to you in which, I have raised various issues of violation of DoP&T Guidelines OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 in proposed RR for the post of Regional Director Grade 'B'/Joint Director in ESI Corporation. The violation are briefly pointed as follows :

1. Para 3.1.3. of DoP&T Guidelines OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 prescribes that **(Copy enclosed as Annexure – A)** :

“Where the eligibility service for promotion prescribed in the existing rules is being enhanced (to be in conformity with the 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.”

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When objections were called for, I have raised my objection that the proposed RR are harming interest of 45 officers of feeder cadre by enhancing their qualifying service from existing 12 years to 14 years for which the protection clause as envisaged in DOPT guideline para 3.1.3 needs to be incorporated.

ESIC in place of following the guidelines as prescribed in para 3.1.3 preferred to mislead apex body of ESIC by giving false information that the existing RR are not enhancing qualifying services of any person.

Recently, while responding to letter of National Commission for Scheduled Caste, ESIC vide their letter dated 12.10.2018 (**enclosed as Annexure B**) had accepted in third last para that the undersigned is one of the beneficiary of existing RRs for the post of Regional Director Gr. 'B'/Joint Director as I will be eligible to be considered for promotion to the post w.e.f. 1.1.2019 by superseding many directly recruited Dy.Directors senior to me.

This clearly proves that the undersigned along with other beneficiary are eligible for promotion on 1.1.2019 and the amendment is designed to curb our right without bring protection clause in violation of provision contained in para 3.1.3. of DOPT Guidelines.

2. Para 3.12.2 of DoP&T Guidelines OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 prescribes minimum qualifying service for promotion so that there is no premature promotion or undue jump (**Copy enclosed as Annexure – C**)

Eleven Deputy Directors of finance cadre placed at SR. No. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 & 22 of provisional seniority (**Annexure D**) were appointed to the post of Deputy Director on 05-10-2009. As per the existing RR and DoPT Guidelines they complete their 10 years qualifying service on 05-10-2019 and hence they are eligible for promotion on crucial date i.e. 01-01-2020.

These Eleven officers were provided benefit of Non Functional Selection Grade after completion of service of four years with effect from 05-10-2013 in violation of prevailing Recruitment Regulations whereas many of the existing officers are provided this grade after completion of five years after provisioning the same in new RRs. A copy of STS Order of these Officers are enclosed as Annexure E.

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The ESIC in proposed RR had incorporated Note (1) in column 11 which prescribes that service rendered by Senior Deputy Directors in non functional pay scale under the nomenclature of Deputy Director (STS) in level 11 (Rs. 67,700-208,700) shall also be counted as minimum qualifying service for promotion.

With incorporation of this note the service of five years as under the nomenclature of Deputy Director (STS) along with four years service as Deputy Director comes to just 9 years which results in violation of DoPT Guidelines para 3.12.2 which prescribes a total of 10 years residency period for jump from Grade Pay of Rs. 5400/- to Rs. 7,600/-. With this these officers will be eligible on crucial date i.e. 01-01-2019 in place of earlier date i.e. 01-01-2020 in violation of DoP&T Guidelines.

In view of above, it is my earnest request to kindly direct the ESIC to make necessary amendments in the Recruitment Regulations for the post of Regional Director Grade 'B'/Joint Director by providing protection clause as per para 3.1.3 of DoP&T Guidelines and also to remove Note 1 from column 11 of Recruitment Regulation as both of these are violative of DOPT Guidelines and Law of the Land.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed : As above.