



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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KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED.2015-052 Dated 09th Dec., 2018.

To,

The Secretary,
Government of India,
Ministry of Labour and Employment,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi 110001.

Subject: **Defects in Vetting of Ministry of Law and Justice Amending / framing of Recruitment Regulations for the post of DD, SR. DD and Regional Director Grade 'B'/Joint Director in ESI Corporation.**

Sir,

With due regard, I would like to invite your kind attention on my letter No. AIESIC.SC/ST.Fed. 2015-048 dated 06th December, 2018 (**Annexure – A**) and letter No. AIESIC.SC/ST.Fed. 2015-050 dated 06th December, 2018 (**Annexure – B**) addressed to Dr. G. Narayana Raju, Secretary, Govt. of India, Ministry of Law and Justice in which, I have raised issues of violation of DoP&T Guidelines OM No. AB 14017/48/2010 Estt.(RR) dated 31-12-2010 in proposed RRs:

In this regard, I have been made to know that the vetting of Ministry of Law and Justice has been procured on false proposal for following reasons :

1. The file sent for vetting in Ministry of Law and Justice was not sent through official dak riders of MoL&E, rather it was taken to destined location by two officers of ESIC who were direct beneficiary of this amendment of RRs.
2. The proposal of Creation of Post of Sr. Deputy Director was pending for approval of Apex Body of ESIC for 5th December, 2018 and this fact was not revealed to Ministry of Law and Justice (**Copy of Letter No. S-38016/21/2013-SS-I(Pt.III) dated 3-12-2018 is enclosed as Annexure - C**).



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3. Hence, the Ministry of Law and Justice was made to believe that the proposed three Recruitment Regulations are superseding three already existing Recruitment Regulations, which is amply clear from first para of the vetting note communicated by MoL&J.
4. Whereas contrary to above, the fact is that the cadre of Sr. Deputy Director is a fresh cadre to be created and the proposal of which was due for approval of Apex Body of ESIC in its meeting on 5th December, 2018 (**Annexure - C.**)
5. Since, the cadre of Sr. Deputy Director is being created on the basis curtailment of sanctioned strength of Deputy Director and Joint Director, approving of the cadre of Sr. Deputy Director and RR of Joint Director without approval of RR of DD will result in present sanctioned strength as follows :

Deputy Director	:	519
Sr. Deputy Director	:	180
Joint Director	:	094
		793

6. This will lead to an increase of 134 sanctioned post of Deputy Director with benefit of NFSG(STS) Grade also and also violation of mandate provided by our Apex Body of ESIC in its 173rd Meeting (**Annexure - D.**)
7. In view of error in basic facts of note of Ministry of Law and Justice in first para itself, it is pertinent to seek further clarification from Ministry of Law and Justice and simultaneously investigate the role of two officers who escorted this file to Ministry of Law and Justice as they were not supposed to dispatch and receive file on behalf of Ministry of Labour and Employment.

Since, it is a Court Case matter, I would further like to bring following facts to your sympathetic consideration please :-

1. That, the court case has cropped up after promotion of five promotee officers in year 2016.

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2. That, before giving promotion to five promote officers, ESIC had sought legal advice of Advocate Shri P.C. Hota and Legal Counsel of ESIC in Hon'ble Supreme Court of India (**Annexure - E.**)
3. On the advice and with the approval of the Central Government the promotion of five officers was ordered. (Cope of Note and approval of Central Government are enclosed as **Annexure - F**)
4. The matter was challenged in Hon'ble CAT by five private applicants No. 1 to 5 (**Annexure - G**).
5. The ESIC in place of defending decision of Central Government and advice of Legal counsel of Hon'ble Supreme Court preferred to side with the applicants in order to cause harm to our members.
6. In view of this approach of ESIC, 12 affected private parties also filed their case before the Hon'ble CAT as Respondent No. 9 to 20 (**Annexure - G**).
7. Since, legally the claim of Respondent No. 9 to 20 was strong the ESIC in order to favour applicant No. 1 to 5 had accepted a stand contrary to earlier decision of Central Government of promoting five officers. Based on this stand of ESIC, the Hon'ble CAT had not preferred to give decision on the merit of the case rather they have directed to complete the process of notifying RRs after receiving the objections from all the stakeholders.
8. In this process, the DOPT Guideline para 3.1.3 and 3.12.2 violated.

In view of above, you are requested not to approve proposed Recruitment Regulation for the post of Sr. Deputy Director and Regional Director Gr. 'B'/Joint Director without clarification for MoL&J on para 1 of their vetting note and their stand on violation of para 3.1.3 and 3.12.2 of DOPT Guideline in case of RR for the post of Regional Director Gr. 'B'/Joint Director.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed : As above.