



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

www.myesic.com

"Affiliated with All India Confederation of SC/ST Organisations"

(Regd.No. S/27858 of 1995)

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Mob. No. 09868241160

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(W. ZONE)

INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No.AIESIC.SC/ST.FED. 2015-058 Dated 22nd August,2019.

To,

Shri Arvind Saxena,
Chairman,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi – 110069.

- Subject : 1) **Large Scale Corruption in Recruitment by mode of DPC for Group A and Group B Officers in ESIC.**
2) **Implementation of judgment of Hon'ble Supreme Court in case of S.Sumnyan & Ors. Vs. Limi Niri & Ors. (2010) 6 SCC 791.**
3) **Implementation of specific judgment of Hon'ble High Court Delhi in case of ESIC & others vs. Mr. A.P. Tirpathi, W.P.(C) 2723/2014 (Annexure – I).**
4) **Implementation of direction of Hon'ble National Commission for Scheduled Castes communicated vide their minutes of hearing held on 07-02-2019 (Annexure – II).**
5) **Implementation of direction of Hon'ble National Commission for Scheduled Tribes communicated vide their minutes of hearing held on 09-05-2019 (Annexure – III).**

Respected Sir,

With due regard, I would like to invite your kind attention on following facts for your sympathetic consideration please :

1. The ESIC is in regular habit of keeping its Group A and Group B posts either vacant or filled on Adhoc basis for five-six year so that all officers should always have sense of insecurity and work under corrupt pressures.



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2. The last DPCs conducted for various Group A and B posts are as follows:
 - i) Assistant Director - Last DPC Conducted for year 2012-13
 - ii) Deputy Director - Last DPC Conducted for year 2013-14
 - iii) Joint director - Last DPC Conducted for year 2014-15
 - iv) Director - Last DPC Conducted for year 2016-17
3. The above indicated last DPCs were also conducted after 3 to 5 years delay.
4. There is a tendency of ESIC to make every officer work on ad hoc basis against regular vacancy for long years.
5. Aggrieved of above tendency of ESIC some of the Officers holding post of Joint Director filed a case against ESIC in Hon'ble CAT, Delhi for considering them for promotion to the post of Director by counting their ad hoc service against regular vacancy of Joint Director by treating it as regular service.
6. The Hon'ble CAT, Delhi decided the case in favour of applicants and directed ESIC to treat such ad hoc service as regular for promotion.
7. The ESIC filed a Writ Petition No. W.P.(C) 2723/2014 in Hon'ble High Court, New Delhi against this case. The Hon'ble High Court at New Delhi also decided the case in favour of aggrieved officers upholding the decision of Hon'ble CAT, New Delhi which have followed the law as laid down by Hon'ble Supreme Court in judgments of Y.V. Rangaiah vs. J. Sreenivasa Rao, (1983) 3 SCC 284 and also S.Sumnyan & Ors. Vs. Limi Niri & Ors. (2010) 6 SCC 791. A copy of judgement of Hon'ble High Court of New Delhi is enclosed as Annexure – I.
8. In similar way a case was filed by Shri Heera Singh, Secretary General of All India ESIC SC/ST Officers and Employees Federation in the Hon'ble National Commission for Scheduled Castes for counting the adhoc service against regular vacancy of Assistant Director from 26-09-2003 for promotion for the post of JD. By virtue of which 9 SC officers were eligible for promotion on 01-01-2016 and 1 SC Officer was eligible for promotion on 01-01-2017. The Hon'ble National Commission for Scheduled Castes vide minutes of the hearing on 07-02-2019 while relying on judgment of Hon'ble Supreme Court and Hon'ble High Court directed ESIC that "*the DPC for the promotion of DD to JD for the year 2017-18, 2018 and 2019 may be held immediately and the 9 eligible SC officers should be promoted as per their eligibility on 01-01-2016.*"



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9. Since the date of decision of Hon'ble National Commission for Scheduled Castes communicated vide minutes of the hearing dated 07-02-2019, six months have elapsed and the ESIC had failed to uphold dignity of Commission. A copy of minutes of the hearing held on 07-02-2019 is enclosed as Annexure – II.
10. In similar way a case was also filed by Shri Heera Singh, Secretary General of All India ESIC SC/ST Officers and Employees Federation in the Hon'ble National Commission for Scheduled Tribes for counting the adhoc service against regular vacancy of Assistant Director from 26-09-2003 for promotion for the post of JD. By virtue of which 14 ST Officers were eligible for promotion as on 01-01-2017 and 01-01-2018. The Hon'ble National Commission for Scheduled Tribe vide minutes of the hearing on 09-05-2019 while relying on judgment of Hon'ble Supreme Court and Hon'ble High Court directed ESIC that "*the DPC for the promotion of DD to JD for the year 2016-17, 2017-18, 2018 and 2019 may be held immediately and the 14 eligible ST officers and others if available should be promoted as per their eligibility condition.*"
11. Since the date of decision of Hon'ble National Commission for Scheduled Tribe communicated vide minutes of the hearing dated 09-05-2019, three months have elapsed and the ESIC had failed to uphold dignity of Hon'ble Commission. A copy of minutes of the hearing held on 09-05-2019 is enclosed as Annexure – III.
12. The person who is primarily responsible for violation of law as set by Hon'ble Supreme Court is Mr. K.G. Suresh, Joint Director (Establishment – I) who in order to satisfy his corrupt egos has submitted his own DPC proposal for promotion to the post of Director in violation of direction of Hon'ble Supreme Court and Hon'ble High Court, Delhi.
13. Further, the Recruitment Regulations for the post of Director are proposed for amendment and the same has been approved by the Competent Body of ESIC and consented by UPSC also vide their letter dated 06-08-2018. For purpose of notifying the RR the time limit is 70 days but the RR for post of Director are pending since last one year for notification. The process of amendment has been halted as the new Recruitment Regulation for the post of Director are not suitable for Mr. K.G. Suresh, Joint Director (Establishment -I) in violation procedural norms of UPSC.



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In view of above facts you are requested to kindly implement legal position as laid in judgment of Hon'ble Supreme Court in case of Y.V. Rangaiah vs. J. Sreenivasa Rao, (1983) 3 SCC 284 and also S.Sumnyan & Ors. Vs. Limi Niri & Ors. (2010) 6 SCC 791 in all DPCs. The decision of Hon'ble Supreme Court has been followed and reiterated by Hon'ble High Court of Delhi in the case of ESIC & others vs. Mr. A.P. Tirpathi, W.P.(C) 2723/2014 (Annexure – I).

In view of above and the fact that ESIC is bent upon not to follow all above directions, you are requested to kindly issue direction for the following:

1. Proper implementation of legal positions as laid down by Hon'ble Supreme Court and followed by Hon'ble High Court as explained in para 5, 6 & 7 above.
2. Implementation of direction of Hon'ble National Commission for Scheduled Castes communicated vide their minutes of hearing held on 07-02-2019 (Annexure – II).
3. Implementation of direction of Hon'ble National Commission for Scheduled Tribes communicated vide their minutes of hearing held on 09-05-2019 (Annexure – III).
4. Direct ESIC to implement the decision of Hon'ble Supreme Court and Hon'ble High Court in case of promotion for the post of Director by reviewing all relevant DPCs.
5. Direct ESIC to follow same legal principles in all DPCs in order to avoid violation of directions of Hon'ble National Commission for Scheduled Castes and Hon'ble National Commission for Scheduled Tribes also.

Yours faithfully,

Enclosed : As above.

(Heera Singh)
Secretary General



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Copy to :

1. Smt. Ruchika Gupta, Joint Secretary (RR), Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi – 110069 for action on para No. 13.

Secretary General