



Government of India

National Commission for Scheduled Castes

(A Constitutional body set up under Article 338 of the Constitution of India)

File No. H-11/Labour-7/2018/SSW-II

Case No. 224/35/5/2018-1424

5th Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003

Dated : 27.03.2019

To,

The Director General
Employees' State Insurance Corporation (ESIC)
Head Office, Panchdeep Bhawan,
(CIG) Road, New Delhi-110002

The Secretary (Labour)
Ministry of Labour & Employment
Shram Shakti Bhawan
New Delhi-110001

Sub : Discrimination and Harassment in Services against Scheduled Castes.

Sir/Madam,

I am directed to forward proceedings of hearing held on 07.02.2019 before Dr. (Ms.) Swaraj Vidwan, Hon'ble Member of this Commission for taking necessary action and submission of action taken report within 20 days.

Receipt
1013-1015
27/3/19

Yours faithfully

(D.K. Gupta)
Section Officer-SSW-

Copy to:-

Shri Heera Singh
General Secretary
All India ESIC SC/ST Officers' & Employees Federation
Panchdeep Bhawan, Wing No.4, Shiv Puri
Prem Nagar, Dehradun
Uttaranchal

National Commission for Scheduled Castes
File No. H-11/Labour-7/2018- SSW II
Minutes of the hearing on 07.02.2019

The hearing held on 07.02.2019. Shri Manish Gupta, Joint Secretary, M/o L&E, Shri R.S. Shrivastav, Director, ESIC, Shri Bhupendra Kumar, DD, ESIC, and petitioner Shri Heera Singh were present in the hearing.

The case was taken up. The petitioner appraised the Commission that the Department has opted for revision of RR in December 2018 for the post of Joint Director. The RRs are designed to favour the direct recruit officers. This was done because as per the previous RRs 45 officers were eligible for the promotion of Joint Director who joined their services in cadre of SSO w.e.t. 01.01.2019. There were 24 SC/ST officials who were eligible for promotion for Joint Director as per previous RRs. The representatives of All India ESIC SC/ST Association made their submission to the ESIC and Ministry of Labour and Employment to consider their view point while drafting the new RRs. The ESI as well as Ministry had not considered the view point of the officials who joined as SSO and deliberately favoured direct recruit officials violating the para no. 3.1.3 of DoPT OM No. AB14017/48/2010 estt. (RR) dated 31.12.2010 by misleading the apex body of ESIC.

The petitioners also raised the issue of promotion for the post of DD to JD by counting of adhoc service of Assistant Director from 26.09.2003.

It was submitted that on 01.01.2016 9 SCs were to be promoted as JD by counting of adhoc service. but the DPC was not held.

The Commission observed that in the process of change in RRs, the views/comments of the affected candidates/parties are to be taken into consideration but in these instant case it appears that the view point of officials who joined as SSO in the cadre has not been considered by ESIC and Ministry of Labour and Employment. There appears to be some violation of DoPT para no. 3.1.3 of DoPT OM No. AB14017/48/2010 estt. (RR) dated 31.12.2010.

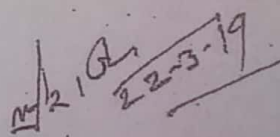
The department has not counted the adhoc service of AD although these ADs were promoted against the regular vacancies.

→ In view of above the Commission recommends that the case may be reviewed the view point/suggestions of the All India ESIC SC/ST federation must be considered to provide the justice to the petitioners. The adhoc period of ADs who were promoted against the regular vacancies may be counted for the purpose of promotion as per rules.

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.

The DoPT O.M. No. AB14017/48/2010 estt. (RR) dated 31.12.2010 may be implemented in toto by the Department.

ATR within 20 days.


(Dr. (Ms.) Swaraj Vidwan)
Member