



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

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

EMAIL :eeera18@yahoo.co.uk

www.myesic.com

"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.2015-063

Dated 23rd April,2020

To,

The Director General,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
CIG Road,
New Delhi – 110002.

Subject : **Complaint against Shri Rajiv Lal, Coordinator "ESIC Group 'A' Officers' Welfare Association" for misleading the Hon'ble DG, ESIC by proposing to give Financial Support to the Insured Persons of ESIC amidst unprecedented COVID 19 Situation in the country in violation of the ESI Act, 1948 vide his letter dated 08th April, 2020.**

Respected Madam,

1. There is no doubt about the fact that outbreak of corona virus in our mother land India and whole world is proving deadly not only for directly infected citizens and their families but it also indirectly affected all working class including Insured Persons due to unprecedented Lock Down due to spread of Pandemic COVID- 19.

2. At this critical hour of hardship being faced by our country, I appreciate the efforts made by ESIC by dedicating our whole medical paraphernalia for combating Pandemic COVID 19, despite, the fact, that our Doctors, Para-Medical Staff, Nursing Staff and Administrative Staff supporting Medical Paraphernalia of ESIC are not well equipped.

3. Recently, I have come across with various letters written by many Political Personalities and Hon'ble Member of Parliament recommending spending of reserve funds of ESIC for various purposes. I appreciate their concern for combating side effects of spread of Pandemic COVID 19 which I personally feel are not within the mandate of the ESI Act, 1948.



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- 2 -

4. I am surprised to see on social media the enclosed letter No. EGAOWA/Corona/2020/1 dated 08thApril, 2020 (**Annexure - I**) of Shri Rajiv Lal, Coordinator of ESIC Group 'A' Officers' Welfare Association written to mislead the Hon'ble DG, ESIC by proposing to give Financial Support of approximately Rs. 7500 Crores to the Insured Persons of ESIC amidst unprecedented COVID 19 Situation in the country in violation of the ESI Act, 1948 and the ESI(Central) Rules, 1950.

5. Sir, Section 28 of the ESI Act, 1948 states that "Subject to the provisions of this Act and of any rules made by the Central Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely :-.....". Whereas the para 4 of above subjected letter of Shri Rajiv Lal omits to mention that all purposes for which ESI Fund shall be expended is subject to the provisions of ESI Act, 1948 and of any rules made by the Central Government. By doing so the signatory has mislead the Hon'ble DG, ESIC and also acted as a pressure group to promote spending of ESI General Reserve Funds on purpose beyond the mandate provided by ESI Act, its Rules, Regulations.

6. Here, it is also pertinent to mention that Rule 23A of the ESI(Central) Rules, 1950 impose a limit of rupees three hundred crores per year for expending on purpose quoted from Section 28 (xi) of the ESI Act, 1948 i.e "Promotion of measures for the improvement of health and welfare of insured persons" and the Coordinator of this Association intentionally omitted to highlight the same.

7. It is commendable that ESIC has dedicated it Medical Paraphernalia for combating Pandemic COVID 19 as this service being essential and lifesaving in nature. But it would be better if this ceiling of Rs. 300 Crores is utilized on following purposes:

1. For arranging necessary facilities in ESIC COVID 19 Treatment Centres and Quarantine Centres.
2. For providing PPE kits to all staff working in ESIC COVID 19 Treatment Centres and Quarantine Centres.
3. For providing at least one PPE Kit and thermal scanner for Registration Clerk of all dispensaries and hospitals of ESIC and ESIS.
4. For making alternative arrangement of treatment, testing and disbursement of medicines for IPs.

8. It is very surprising that Shri Rajiv Lal was appointed in ESIC as Deputy Director (Finance) for acting as financial watch dog of ESIC ensuring proper compliance of ESI Act, its Rules, Regulations and General Financial Rules, 2017. He was also supposed to highlight the limit prescribed and to propose amendment in the ESI Act, its Rules, Regulations and that also after thorough discussion of all aspect of the issue with his Association before making any such kind of recommendations.

Contd. Page No. 3/-



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- 3 -

9. In view of above, I strongly condemn this letter of "ESIC Group 'A' Officers' Welfare Association" for its loosely framed recommendations being violative of the ESI Act, its Rules, Regulations and demand action against Association and the signatory of this letter.

10. I had earlier made a complaint with DG, ESIC vide my letter No. AIESIC.SC/ST.FED. 2015-042 dated 08thMarch 2018 (**Annexure – II**) on multiple misconducts of Shri Rajiv Lal, out of which 1st misconduct was "Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit of Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case and various other misconducts." It is very unfortunate that ESIC has not taken any cognizance of this enclosed letter as a result he has again mislead the present DG, ESIC by concealing various legal facts to instigate management for spending ESI General Reserve Funds on purposes beyond the mandate of the ESI Act, 1948 so that he could grease his palm in this melee.

11. It is also a serious matter of investigation that whether ESIC Group 'A' Officers' Welfare Association is involved in bringing various similar kind of pressures in form of similar letters written by various political parties and some Member of Parliament?

Hence, I am taking this opportunity to raise following demands: -

1. To arrange facilities for our Medical and Para Medical Officers and Staff who are at forefront for combating Pandemic COVID 19 as detailed in para 7 above.
2. To initiate action against Shri Rajiv Lal for misleading the DG, ESIC vide his enclosed letter dated 08thApril 2020 as Coordinator of ESIC Group 'A' Officers' Welfare Association as detailed in para 4, 5 and 6 above.
3. To initiate action against Shri Rajiv Lal in parlance of my enclosed letter No. AIESIC.SC/ST.FED. 2015-042 dated 08thMarch 2018 as detailed in para 10 above.
4. To inquire the role of ESIC Group 'A' Officers' Welfare Association in making of similar kind of pressure groups.

Thanking you,

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed: As above.

Copy to :

1. The Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan.
2. CVO, ESIC, Panchdeep Bhawan, CIG Road, New Delhi.
3. IC, Benefit, Panchdeep Bhawan, CIG Road, New Delhi.