



# 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)

**WORKING PRESIDENT**  
JALIM SINGH AHIRWAL

**VICE-PRESIDENT (NORTH)**  
MAHINDER SINGH

**SECRETARY GENERAL**  
HEERA SINGH  
Mob. No. 09868241160

**SECRETARY (PUB. RELATION)**  
ANIL KUMAR

**SECRETARY (FOR NCR)**  
JAGDISH

**FOUNDER MEMBER**  
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RETD. INS. COMMISSIONER

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**SECY. FINANCE**  
RAJ KUMAR

**ASSISTANT SECY. FINANCE**  
UMESH KUMAR

**VICE-PRESIDENTS**  
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G. SELVA KUMAR (S. ZONE)  
RAJENDRA TUDU (E. ZONE)  
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G. NARAYAN SWAMY (S. ZONE)  
R. N. MALLICK (E. ZONE)  
SUNIL KR. DEDE (W. ZONE)

**JOINT SECRETARY**  
KULDEEP KUMAR (N. ZONE)  
D. Y. GIRI (S. ZONE)  
VIDHYANAND DAS (E. ZONE)  
JAGDISH SALVE (W. ZONE)

**LIAISON SECRETARIES**  
GOVERDHAN DAS (N. ZONE)  
K. SATYANARAYANA SWAMY  
(S. ZONE)  
SUDIP KUMAR SARKAR  
(E. ZONE)  
RAM CHANDRA JATIA  
(W. ZONE)

**INTERNAL AUDITORS**  
KULDEEP KUMAR  
KAILASH CHAND

## **(PUBLIC INTEREST DISCLOSURE UNDER SECTION 4(1) OF WHISTLE BLOWERS PROTECTION ACT, 2014)**

F.No. AIESIC.SC/ST.FED.2015-064 Dated 29<sup>th</sup>April,2020.

To,

The Secretary (GoI) and Chairman,  
Standing Committee of ESIC,  
Ministry of Labour and Employment, Shram Shakti  
Bhawan, Rafi Marg, New Delhi 110001.

Subject: **Large Scale Corruption in ESIC / Gross violation of transfer policy for illicit gratification.**

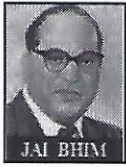
Sir,

1. With due regard, I would like to submit that a large-scale corruption in ESIC vis-a-vis Gross Violation of the ESI Act, 1948 and allied rules and regulations were reported to the Director General, ESIC and other forums on various occasions. A complaint was also filed with CVC for unlawful award of work of Portfolio Manager to M/s Reliance Nippon Life Asset Management Limited a company promoted by Shri Anil D. Ambani for managing ESIC's Fund worth Rs. 59,382.99 Crores in spite of fact that neither there is any mandate for this award of work in legislation nor the Company was fulfilling the criteria of being eligible for this work as per the RFP by keeping decision making apex body i.e. ESIC in dark. The complaint was registered in CVC with Comp. No. 125110/2019 and is still pending. I am in process of filling an addendum to this complaint with respect to various other irregularities based on partial facts collected through RTI. Some crucial facts are still unrevealed by ESIC.

2. Recently, the ESIC had initiated one more such act of violation of transfer policy of Group 'A' & Group 'B' Officers on the Administrative side to extract illicit gratifications from affected sides by issuing Circular No. A-22/13/1/2019(1)-E-I dated 03-03-2020 copy enclosed as **Annexure - I**.

3. Various violations of Transfer Policy approved by ESIC circulated vide letter No. A-22(13)1/2014-E.I dated 02-12-2014 (**enclosed as Annexure - II**) are as follows :

Contd. Page No. 2/-



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- 2 -

- i. The ESIC has got vast history of violating the above transfer policy and various complaints were made against these violations.
- ii. Para 1(3) on first page of Transfer/posting policy of Group 'A' & 'B' Officers on the Administrative side circulated vide letter No. A-22(13)1/2014-E.I dated 02-12-2014 (**Annexure - II**) prescribes minimum and normal tenure of two years for postings given against the choice of concerned officer.
- iii. Para 1(3) on second page of Transfer/posting policy of Group 'A' & 'B' Officers on the Administrative side circulated vide letter No. A-22(13)1/2014-E.I dated 02-12-2014 (**Annexure - II**) prescribes maximum tenure of 3 years in a particular post/establishment in RO, SRO and DO and 6 years at one station.
- iv. It further prescribes maximum tenure of 4 years in a particular post/establishment in other offices and 8 years at one station.
- v. Para 1 (3) and Para 1(4) of Circular No. A-22/13/1/2019(1)-E-I dated 03-03-2020 copy enclosed as (**Annexure - I**) are violative of Para 1(3) of Transfer/posting policy of Group 'A' & 'B' Officers on the Administrative side approved by ESIC and circulated vide letter No. A-22(13)1/2014-E.I dated 02-12-2014 (**Annexure - II**) which prescribes minimum/normal tenure of two years for postings, whereas, the same has been arbitrarily raised to three years against the policy adopted by ESIC.
- vi. The undertaking prescribed in "Option Proforma" is violative of transfer policy and is a open declaration on the part of management that it will arbitrarily violate the transfer policy and all have to give written consent before giving option that they will accept the arbitrary action of management in violation of transfer policy adopted by ESIC.
- vii. The aim of this process is to protect interest of those who have crossed the ceiling of maximum tenure in a post/establishment of choice of the concerned officer for ulterior motives at the cost of those who are due for repatriation.

Contd. Page No. 3/-



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- viii. Further to above, the aim is also to harm the interest of those who have completed minimum tenure in a post/establishment against choice of the concerned officer by arbitrarily raising minimum tenure from two years to three years in violation of transfer policy adopted by ESIC.
- ix. A part from above, as per the CVC guidelines Circular No. 03/09/13 issued vide file bearing No. 004/VGL/090/225553 dated 11-09-2013 (Copy **enclosed as Annexure – III**) clearly states that all Ministries/Departments /Organisations and CVOs are to identify the sensitive posts and staff working in sensitive posts and also ensure that they are strictly rotated after every two/three years to avoid developing vested interest.
4. Hence, I strongly oppose actions as explained in para 3 (v) to 3 (ix) above for being violative of policies laid down by ESI Corporation and request your good self to kindly initiate an independent enquiry into the matter and issue directions for following actions :-
- To issue direction for immediate repatriation of all those officers who have completed their minimum or normal tenure of two years of outstation posting as explained above in para 3.(ii).
  - To issue direction for immediate transfer of all those officers who have completed their maximum tenure of posting as explained above in para 3.(iii) & para 3.(iv).
  - Further to above, Shri K.G. Suresh, Joint Director (E-I) had himself exceeded minimum tenure of 2/3 years in sensitive posts as explained above in para 3.(ix).
  - Shri K.G. Suresh, J.D. (E-I) had exceeded prescribed maximum tenure of four years in an establishment by approximately five years by completing nearly nine years in Headquarters in violation of provisions explained in para 3 (iv) above.
  - He has also completed period of approximately 9 years in one station in violation of provision as explained above in para 3.(iv) and hence has developed vested interest and needs to be transferred immediately.

Contd. Page No. 4/-



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- f) Earlier, I was transferred from Delhi to Dehradun despite fact that I was single parent looking after my two small kids and also holding responsibility of post of Secretary General of this Federation. At that time Shri Rajiv Lal, Deputy Director I/c had demanded some gratification from me on behalf of Shri K.G. Suresh, Joint Director (E-I) for cancelling my transfer order and a complaint was filed by me in office of the DG, ESIC against this misconduct of Shri K.G. Suresh, Joint Director (E.I) vide my letter No. AIESIC.SC/ST.FED.2015-32 dated 06-06-2017 (**Copy enclosed as Annexure – IV**) which is still pending at Headquarters Office.
- g) Unfortunately, my Complaint against Shri K.G. Suresh, Joint Director (E-I) was being processed by Shri K.G. Suresh, JD, himself in violation of all principles of propriety. Even the Memo dated 30-08-2018 was issued to me seeking my explanation was signed by the Shri K.G. Suresh, JD himself (**Copy enclosed as Annexure – V**). This conduct of JD states a lot about his manipulative skills.
- h) The ill will of Shri K.G. Suresh, JD (E-I) can be gauged from the fact that in my case he has not followed the recommendation of National Commission for Scheduled Tribes for posting me in Headquarters Office, ESIC on the pretext of extant transfer policy although I have now completed minimum tenure of posting in Dehradun. **A copy of minutes is enclosed as Annexure – VI.**
- i) To issue direction for taking stiff action against Shri K.G. Suresh, Joint Director (E-I) who had committed these irregularities and by violating transfer policy framed under ESI Act, 1948 and misleading the higher authorities and transfer policy of ESI Corporation.

**Enclosed : Annexure – I to VI.**

Dated :29-04-2020.

Copy to :-

Yours faithfully,

  
29/04/2020  
( Heera Singh )  
Secretary General

Contd. Page No. 5/-



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- 5 -

1. The Director General, Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi – 110002.
2. The Chief Vigilance Officer, Hqrs. Office, ESIC, Panchdeep Bhawan, CIG Road, New Delhi - 110002.
3. The Insurance Commissioner, Hqrs. Office, ESIC, Panchdeep Bhawan, CIG Road, New Delhi – 110002.

- For information and necessary action please.

  
29/04/2020  
Secretary General



मुख्यालय / HEADQUARTERS  
कर्मचारी राज्य बीमा निगम  
EMPLOYEES' STATE INSURANCE CORPORATION

पंचदीप भवन / PANCHDEEP BHAWAN  
सी. आई. जी. मार्ग / C.I.G. ROAD, नई दिल्ली / NEW DELHI- 110 002

Annexure - I

No. A-22/13/1/2019(1)-E.I

Dated: 03.03.2020

**C I R C U L A R**

**Sub: Option for choice of station for transfer/posting from Officers / Officials in the cadres of Group 'A' & 'B' in Administrative, Engineering and Official Language**

Options for choice of station for transfer / posting are invited from the Officers in the cadres of Group 'A' and 'B' in Administrative, Engineering and Official Language, **who have completed / will be completing as on 31.03.2020;**

1. **Tenure of Six years or more at their present station; or**
2. **Three years as Head of the Office (RO/SRO).**

(Non-exercising of option by officers in the above category who have completed the tenure would be construed as his / her willingness to be posted to any station based on administrative requirement.)

3. Apart from above, officers who have completed minimum tenure of three years at the present station and desire to seek posting to a choice station may also give their option for transfer with reasons. However, such transfer requests would be considered subject to administrative feasibility.

4. Willing SSOs/JEs, who have completed / will be completing a tenure of three years or more at their present Station as on 31.03.2020, may also give their options with reasons for inter-state transfers.

The option shall be exercised strictly as per the Option Proforma at Annexure – I enclosed, wherein all the information shall mandatorily be filled in and signed by the Officer concerned. In this respect, it may be noted as under:

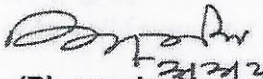
- (a) Mere existence of vacancy at a station does not entitle anyone serving at that station to remain posted at that station or for an Officer outside that station to be posted to that choice of station.
- (b) This Option can only be exercised for a Station and not any particular Office.
- (c) For the purpose of Option, Delhi/NCR shall be considered as one Station.
- (d) Large number of vacancies exist in the states of Kerala, Karnataka, Tamilnadu, Maharashtra and Madhya Pradesh, which may be kept in view while exercising options.

Duly completed Option form, scanned in PDF, should be mailed to [dpc-e1hq@esic.nic.in](mailto:dpc-e1hq@esic.nic.in) on or before 16<sup>th</sup> March 2020.

All the Controlling Officers are directed to bring this Circular to the notice of all the concerned Officers under acknowledgment.

**This issues with the approval of Director General.**

Encls. As above.

  
23/3/2020  
(Bhupender Kumar)  
Deputy Director (E.I)

To,

1. All the concerned Officers through their Controlling Officers.
2. All the concerned Controlling Officers.
3. PPS/PS to all Divisional Heads, Headquarters, New Delhi
4. Insurance Commissioner (NTA), Dwarka, New Delhi.
5. All the Additional Commissioners & Regional Directors / Regional Directors / Director (I/C) / Joint Director (I/C) / Deputy Director (I/C) / Additional Commissioner, Estt. - V, Headquarters, New Delhi
6. The Directorate (M) Noida / Directorate (M) Delhi
7. The Joint Director (OL), Headquarters / RO, Delhi / Tamilnadu
8. The Deputy Director (OL), Headquarters / RO, Maharashtra / Punjab / West Bengal
9. All the Medical Superintendents of ESIC Hospitals & ESIC Model Hospitals
10. All the Deans of Medical Colleges / PGIMS / Dental Colleges / Nursing Colleges.
11. The Director / Joint Director, Zonal Vigilance / Concerned Finance & Accounts Divisions.
12. Website Content Manager for uploading the Circular on the website of ESIC along with soft copy of Annexure – I in word format.
13. Hindi Branch / Librarian / Personal File / Guard File / Spare Copies.

**OPTION PROFORMA**

1. Name and Designation of the officer :
2. Employees ID No. :
3. Date of Birth (DD/MM/YYYY) :
4. Name of present Office (Place of Posting) :
5. Posted at present Office since :
6. Posted at present Station since :
7. Detail of posting since promotion / Direct Recruitment to the post of SSO, DD etc., as the case may be, till present posting:

| Sl. No. | Place of Posting | From (DD/MM/YY) | To (DD/MM/YY) |
|---------|------------------|-----------------|---------------|
| 1       |                  |                 |               |
| 2       |                  |                 |               |
| 3*      |                  |                 | Till date     |

\*Rows maybe added, if required

8. Station of choice in order of preference:

| Option   | Choice of Station | Reason |
|----------|-------------------|--------|
| Option 1 |                   |        |
| Option 2 |                   |        |
| Option 3 |                   |        |

9. Home town address :

**UNDERTAKING**

I understand that mere existence of a vacancy at a station does not entitle me to be posted to that choice of station. I am willing to be posted to station other than the choice of stations opted above, should this option is not acceded to due to administrative exigencies, non-availability of vacancy etc.

Place:

Date:

SIGNATURE OF OFFICER

*Rae*  
21/2/20



HEAD QUARTERS  
EMPLOYEES STATE INSURANCE CORPORATION  
PANCHDEEP BHAWAN: C.I.G. ROAD; NEW DELHI-110002

No:-A-22(13)1/2014-E.I

Dated: - 2.12.2014

To,

- 1) All the Regional Directors.
- 2) The Joint Director, Admn -V, Hqrs Office,
- 3) All the Director/Joint Director In-charges of SROs.
- 4) Director (Medical) Delhi/Director ((Medical) Noida/Director ESIC Hospital, K.K. Nagar,
- 5) All the Medical Superintendents of ESIC Hospital.
- 6) All the Medical Superintendents of ESIC Model Hospital.
- 7) Dean, ESIC Medical Colleges/Dental Colleges

**Sub: - Transfer/posting policy of Group 'A' & 'B' Officers on the Administrative side.**

Transfer policy for effecting transfers and postings of Group 'A' & 'B' officers of ESIC on the administrative side was last circulated vide this office letter No. A-22(13)1/2002-E.I. dated 17.3.2005. In view of the DoP&T communication vide No. 11013/10/2013-Estt. A dated 26.12.2013 and MoL&E letter No. A-11017/03/2014-SS.I dated 18.3.2014 and also present needs of the organisation, in supersession of the previous policy in this regard the Transfer Policy of Group 'A' & 'B' Officers on the Administrative side is being revised. Accordingly, the following guidelines will be adopted while considering the transfers and postings of officers of these categories:-

**(1) Transfer liability:** - All Group 'A' & Group 'B' Officers would continue to be liable for transfers and postings anywhere in India.

**(2) General Transfers:** General Transfers would normally be made in the months of March, April or May every year, keeping in view the commencement of academic sessions so that the hardship caused to the employees in securing admission for their wards in educational institutions is minimized. However the transfer/postings orders may be done at any time in exceptional cases on account of administrative exigencies, in public interest or in case of promotion to higher grade. Complaints, vigilance cases etc. against the serving Officers and administrative requirements like job requirement, skill and experience shall also be taken into account while deciding transfers/postings.

**(3) Tenure:** - All postings of Group 'A' & Group 'B' officers shall normally be for not less than two years, provided there is no serious complaint of misconduct against the Officer or it is expedient in public interest to transfer him/her before completion of the minimum tenure. Any transfer/posting of Officers before completion of minimum tenure will be made only after the reasons for such transfer/posting are examined by the Transfer Committee and its recommendations are approved by the Competent Authority. Only the active service in a particular tenure will be counted for determining the duration of the tenure. If an officer is to be transferred before the completion of the normal tenure of two years, the reasons therefore will be recorded in file while ordering the transfer. In case a transfer is made in mid academic

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दिनांक/सं. 27/12/14



session on account of administrative exigencies, an option to retain the Corporation accommodation/leased accommodation up to the end of the academic session will be allowed, if any child is studying at that station. The maximum tenure for every Group 'A' & 'B' officer in a particular post/establishment in respect of officers posted in Regional Office, Sub-Regional Office and Divisional Office would be 3 years and the same at one station would be 6 years. In respect of officers posted in the rest of offices, the maximum tenure in a particular post/establishment and at one station would be 4 and 8 years respectively. Any exception to this tenure posting can be allowed only in exceptional circumstances on account of administrative exigencies with the approval of the Competent Authority.

**(4) Option:** - Officers in the cadre of Assistant Directors and Deputy Directors are as far as possible accommodated in one of the five geographical zones of their choice. Option will be called for from the existing officers in these cadres to indicate three zones of their choice in order of priority and attempts will be made to post them in the zone(s) of their choice subject to availability of posts. In the event of non-availability of posts in the first zone, they will be considered for postings in the zones of their second or third choice.

The zones for this purpose would be as given below:-

| Zone         | States  |
|--------------|---|
| North Zone   | Jammu & Kashmir, Himachal Pradesh, Punjab, Chandigarh, Haryana, Utrakhand, Delhi and Uttar Pradesh. |
| East Zone    | West Bengal, Orissa, Bihar, Jharkhand, Sikkim & North Eastern States.                               |
| West Zone    | Maharashtra, Gujrat, Rajasthan and Goa.   |
| South Zone   | Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Telangana and Pondicherry.                           |
| Central Zone | Madhya Pradesh and Chhattisgarh.  |

**(5) Request for transfers:** - All the requests for transfers should be sent by the officers of Group 'A' & Group 'B' through proper channel, so as to reach the Hqrs. Office before the 31<sup>st</sup> December of the preceding year. The requests should be for transfer/posting at Stations of his/her choice but not for transfer/posting to a particular post (s). Such requests for choice posting will be considered subject to administrative feasibility and availability of vacancies. No representation for transfer/posting will be entertained after orders for annual transfer/postings are issued.

**(6) Special Consideration for husband and wife :-** As far as possible attempts will be made to post the husband and wife, if they are both working in the ESIC, at the same station subject to availability of posts and their suitability.

**(7) Rotation of officers in various posts and stations:** - In order to ensure all round development of manpower and to equip the officers to handle senior assignments, all the officers up to the level of Joint Directors are expected to work both in the field and in secretarial assignments. They will be rotated among the Regional Office, Sub-Regional Offices, Offices of the State Senior Medical Commissioners, Offices of the State Medical Commissioners, ESIC Hospital, ESIC Model Hospitals, ESIC Medical Colleges, ESIC Dental Colleges and the Hqrs Office.

(8) **Officers due for retirement:** - A person in the last year of service would not normally be transferred from where he/she is posted. If exigencies of services require such a transfer, orders thereof will be issued by the competent authority after recording the reasons therefor.

(9) **Leave after transfer:** - Once a transfer order of an Officer has been issued by the competent authority, the officer concerned will not be granted leave of any kind by his controlling authority. All requests for leave of any kind thereafter will be sent, through proper channel, to the authority which has issued the orders of transfer.

(10) **Outside influence/political influence:** - No officer shall bring outside influence/political influence to further his request for posting of his choice as enumerated in Rule 20 of CCS (Conduct) Rules, 1964 which prescribe that "No Government Servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Government". Any violation of the said Rule will be viewed seriously and stern action including disciplinary action will be taken against such delinquent Officers under the provision of Conduct Rules.

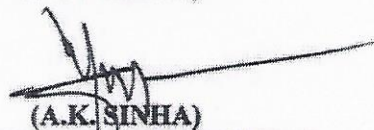
(11) **Transfer Committee:** - There will be a Transfer Committee for the Non-Medical Personnel of ESIC to recommend the transfer/postings of the officers/staff having All India transfer liability, as per extant transfer policy. The order constituting the Transfer Committee would be issued with due approval of the Director General. Such orders would be formally notified as well as placed in the public domain. The representations concerning transfer/posting orders issued by the Hqrs Office, or for cadre change under IRT, will also be considered by the Transfer Committee.

(12) The recommendations of the Transfer Committee would be subject to the approval of the Director General, ESIC who is the Competent Authority.

(13) On administrative grounds and in exigencies of public work, the competent authority may make deviation from the above guidelines for transfer by recording on the file the reasons in writing.

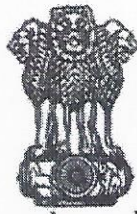
I request you to kindly ensure that all the officers working under you are informed of the contents of this letter.

Yours faithfully



(A.K. SINHA)

**ADDITIONAL COMMISSIONER  
FOR DIRECTOR GENERAL**



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

Annexure - III



Telegraphic Address :  
"SATARKTA: New Delhi

E-Mail Address  
cenvigil@nic.in

Website  
www.cvc.nic.in

EPABX  
24600200

फैक्स / Fax : 24651186

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi 110023

सं./No..... 004/VGL/090 | 22553

दिनांक / Dated..... 11.9.2013

Circular No. 03/09/13

Subject:- Rotation of officials working in sensitive posts-regarding.

Central Vigilance Commission and the Department of Personnel and Training have issued instructions for effecting rotational transfers of officials posted on sensitive posts. As per Commission's instructions issued vide letter Nos. 98/VGL/60 dated 15.4.1999, 02.11.2001 and 004/VGL/90 dated 01.5.2008 and 04.01.2012 (for public sector banks) on this issue, it was prescribed that Ministries/Departments/Organisations and CVOs are to identify the sensitive posts and staff working in these posts and also ensure that they are strictly rotated after every two/three years to avoid developing vested interests.

2. The Commission in the superintendence of vigilance administration over the years has observed that such rotational transfers are not effected in many organisations due to which officials continue to remain in the same posts for long periods. Such overstay and continuous postings afford scope for indulging in corrupt activities, developing vested interests etc. which may not be in the interest of the organisation. The Commission would, therefore, emphasise that periodical rotation of officials holding sensitive posts/jobs needs to be ensured. As such, officials should not be retained in the same place/position for long by the Ministries/Departments/PSUs/Banks/Organisations etc.

3. Heads/CVOs of all Departments/Organisations are advised to ensure strict compliance of the Commission's guidelines and implement the same in letter and spirit. Further, the CVOs should specifically report the action taken indicating the number of officials rotated/transferred in the respective organisations in the Monthly Report of CVOs submitted to the Commission.

*K D Tripathi*  
(K D Tripathi)  
Secretary

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/Public Sector Banks/Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Organisations.



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

PANCHDEEP BHAWAN, CIG ROAD, NEW DELHI - 110002.

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)

**WORKING PRESIDENT**  
**JALIM SINGH AHIRWAL**

**VICE-PRESIDENT (NORTH)**  
**MAHINDER SINGH**

**SECRETARY GENERAL**  
**HEERA SINGH**  
Mob. No. 09868241160

**SECRETARY (PUB. RELATION)**  
**ANIL KUMAR**

**SECRETARY (FOR NCR)**  
**JAGDISH**

**FOUNDER MEMBER**  
**SHRI BHAGWATI PRASAD**  
RETD. INS. COMMISSIONER

**ADDL. SECY. GENERAL**  
**B. GNANA KUMAR**

**SECY. FINANCE**  
**RAJ KUMAR**

**ASSISTANT SECY. FINANCE**  
**UMESH KUMAR**

**VICE-PRESIDENTS**  
**MAHINDER SINGH (N.ZONE)**  
**G. SELVA KUMAR (S. ZONE)**  
**RAJENDRA TUDU (E. ZONE)**  
**M. G. SORTE (W. ZONE)**

**ASST. SECY GENERAL**  
**ANITA SURESH (N.ZONE)**  
**G. NARAYAN SWAMY (S. ZONE)**  
**R. N. MALLICK (E. ZONE)**  
**SUNIL KR. DEDE (W. ZONE)**

**JOINT SECRETARY**  
**KULDEEP KUMAR (N. ZONE)**  
**D. Y. GIRI (S. ZONE)**  
**VIDHYANAND DAS (E. ZONE)**  
**JAGDISH SALVE (W. ZONE)**

**LIAISON SECRETARIES**  
**GOVERDHAN DAS (N. ZONE)**  
**K. SATYANARAYANA SWAMY (S. ZONE)**  
**SUDIP KUMAR SARKAR (E. ZONE)**  
**RAM CHANDRA JATIA (W. ZONE)**

**INTERNAL AUDITORS**  
**KULDEEP KUMAR**  
**KAILASH CHAND**

F.No. AIESIC.SC/ST.FED. 2015-32.

Dated 06<sup>th</sup> June, 2017

To,

**The Director General,**  
**Employees' State Insurance**  
**Corporation,**  
**Panchdeep Bbawan,**  
**CIG Road, New Delhi - 002**



**Subject: Representation against Office Order No. 154 of 2016 dated 15-07-2016 and 71 of 2017 dated 28-04-2017.**

Respected Sir,

With due regard, I would like to submit that within last one year two transfer orders bearing Office Order No. 154 of 2016 dated 15-07-2016 and 71 of 2017 dated 28-04-2017 were issued which have got the inking of manipulation on the basis of differentiation on the ground of membership of ESIC Officers Federation vis a vis ESIC Group 'A' Officers Association. It is also found that ultimately the targets were members of SC/ST category who are made to be transferred to far away locations. It clearly reflects that malafide intentions are trying to take over the structure of ESIC for colourable intentions.

In Order No. 71 of 2017 the Administration had transferred Shri Pranay Sinha, Joint Director In-charge, SRO Rohini who is incidentally holding the Charge of Secretary General of All India ESIC Officers Federation within NCR from SRO Rohini to Headquarters inspite of the fact that he had got a long stint of tenure in NCR. On the contrary the same order had posted Shri Heera Singh, Deputy Director, RO Delhi who is also holding the charge of Secretary General of our Federation had been transferred out of NCR from RO Delhi to RO Utrakhnad.

I had been contracted by some of the feelers of Administration who had informed me that Shri K.G. Suresh, Joint Director, Hqrs Office is expecting some illicit gratification from my Federation. Since, there were no evidences to confirm such feeling the same was not represented. But recently we have got the feeling that Shri K.G. Suresh, Joint Director, Headquarters is again pursuing his illicit intentions by manipulating his administration proposals for harming the interest of SC/STs and promoting groupings in Officers Cadre.



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

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**WORKING PRESIDENT**  
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**HEERA SINGH**  
Mob. No. 09868241160

**SECRETARY (PUB. RELATION)**  
**ANIL KUMAR**

**SECRETARY (FOR NCR)**  
**JAGDISH**

- 2 -

In view of above, on behalf of my Federation I would like to request you to kindly take following actions for betterment of ESIC :

- 1., Immediate removal of Shri K.G. Suresh, Joint Director, Establishment from Headquarters.
2. Immediate cancellation of transfer order No. 71 of 2017 dated 28-04-2017 with respect to transfer of Shri Heera Singh, Deputy Director, RO Delhi.

Yours faithfully,

( Heera Singh )  
Secretary General

Annexure - V

**CONFIDENTIAL**



**HEADQUARTERS  
EMPLOYEES' STATE INSURANCE CORPORATION  
PANCHDEEP BHAWAN: C.I.G. ROAD, NEW DELHI- 110002  
<http://esic.nic.in>**

No. A-22/13/1/2017/E.I

Dated: 30.08.2018

**MEMORANDUM**

Whereas Sh. Anil Kumar, Additional Commissioner, SRO, Noida was appointed as investigating officer by the Director General to conduct a preliminary inquiry in the complaints forwarded by Sh. Rajiv Lal, the then Deputy Director (I/C), SRO, Nandnagari against Sh. Heera Singh, Deputy Director, SRO, Nandnagari vide letter no. DO/SHD/PACell/2016-17 dated 20.11.2017, number 10-A/19/11/2017-Heera Singh/Admn. dated 20.11.2017 and number 10-A/19/11/2017-H.S.Admn. Dated 07.12.2017 (copies enclosed). The investigation officer submitted his report dated 06.02.2018 (copy enclosed).

Following facts have been observed from the report of investigation officer:-


1. Sh. Heera Singh, Deputy Director violated the CAIU, Hqrs. instruction dated 20.09.2016 by asking the Social Security Officer's to make inspection of the units (Code No. 10001195210000999 and 10001178810001019) in respect of which inspection reports had already been uploaded/online submitted.
2. Sh. Heera Singh, Deputy Director levelled baseless allegations against Sh. Rajiv Lal, the then Deputy Director (I/C), SRO, Nandnagari for demanding Rs. 2 lacs to get his transfer cancelled and for providing logistic support for meeting of Group A officers association to 25 officers.

Now, Sh. Heera Singh, Deputy Director is hereby called upon to submit his explanation for violating the Headquarters instructions dated 20.09.2016 and levelling baseless allegations against Sh. Rajiv Lal, Deputy Director. His explanation should reach to this office within 10 days from the receipt of this memorandum.

In case he fails to reply within the prescribed time, it will be presumed that he has nothing to say in his defense and further action, as deemed fit and proper, will be initiated against him without any further reference.

This issues with the approval of Competent Authority.

Enclosures. As above.

  
(K G SURESH)  
Joint Director, E.I

To, ✓  
Sh. Heera Singh,  
Deputy Director (Through Regional Director),  
Regional Office, ESIC,  
Uttarakhand

Annexure - VI

Speed Post



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

6<sup>th</sup> floor, 'B' Wing, Loknaya Bhawan  
Khan Market, New Delhi-110 003.

File No. HS/1/2018/MLAB1/SEOTH/RU-III

Date: 07.06.2019

To,

1. The Director General,  
Employee's State Insurance Corporation (ESIC),  
Panchdeep Bhawan, Comrade Indrjeet Gupta (CIG)  
Marg, New Delhi - 110002
2. The Secretary,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
New Delhi- 110001

**Sub:** Minutes of Meeting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes, (NCST) on. 09.05.2019 in the matter of Representation dated 16.08.2018 of Shri Heera Singh, Secretary General All India ESIC SC/ST Officers & Employees Federation, Panchdeep Bhawan, Wing No. 04 Prem Nagar, Dehradun, U.K. Regarding Discriminatory Amendments/framing of Recruitment Regulations for the post of Regional Director Grade 'B' Joint Director in ESI corporation for harming interest of 24 Reserve Category Officer out of which 14 Officers belong to ST Category.

Sir,

I am directed to enclose herewith a copy of Minutes of Meeting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 09.05.2019 for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within months' time

Encl: As above

Yours faithfully,

(Dr. Lalit Natta)  
Director

Copy to:

1. Shri Heera Singh Secretary General All India ESIC SC/ST Officers & Employees Federation, Panchdeep Bhawan, Wing No. 04 Prem Nagar, Dehradun, U.K.
2. PS to Hon'ble Chairperson, NCST
3. SAS, NIC, NCST upload on the web site.

Government of India

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(HS/1/2018/MLAB1/SEOTH/RU-III)


PROCEEDING OF SITTING TAKEN BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST ON 09/05/2019 IN THE CASE OF SHRI HEERA SINGH, SECRETARY GENERAL, ALL INDIA ESIC SC/ST OFFICERS & EMPLOYEES FEDERATION, PANCHDEEP BHAWAN, WING NO.- PREM NAGAR, DEHRADUN (U.K) REGARDING DISCRIMINATORY AMENDMENTS/FRAMING OF RECRUITMENT REGULATIONS FOR THE POST OF REGIONAL DIRECTOR GRADE 'B'/JOINT DIRECTOR IN ESI CORPORATION FOR HARMING INTEREST OF 24 RESERVED CATEGORY OFFICER OUT OF WHICH 14 OFFICERS BELONG TO ST CATEGORY.

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|                                     |   |            |
|-------------------------------------|---|------------|
| Date of sitting                     | : | 09/05/2019 |
| List of officers present in sitting | : | Annexure   |

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1. The National for Scheduled Tribes received a representation from Shri Heera Singh, Secretary General, All India ESIC SC/ST officers & employees federation regarding discriminatory amendments of recruitments regulations for the post of Regional Director.
2. In the case, as per the directions of the Hon'ble Chairperson the sitting has been convened on 09.05.2019 at 12.30 PM. In this regard, the sitting notice dated 16.04.2019 was sent to the Director General, ESIC and the Secretary, Ministry of Labour & Employment.
3. During the sitting, the petitioner appraised the Commission that the Department has opted for revision of RR in year 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 promotion of Joint Director who joined their service in cadre of SSO w.e.f. 01-01-2019. There were 24 SC/ST officials (including 14 ST Officers) who were eligible for promotion for Joint Director as per previous RRs. The representatives of All India ESIC SC/ST Officers' and Employees' Federation made their submission to the ESIC and Ministry of Labour and Employment to consider their view point while drafting the new RRs. The

  
नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जमाती आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India



- ESIC as well as Administrative 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. AB-14017/48/2010 estt. (RR) dated 31-12-2010 by misleading the apex body of ESIC.
4. The petitioner also raised issue of inappropriately giving of Non-functional promotion for the post of DD to DD(STS) to affected officers and non-giving of functional promotion for the post of DD(STS) to JD by counting of adhoc service against regular vacancy of DD and AD respectively in violation of various ratio decided and derived from Supreme Court Decisions which were clearly re-affirmed in recent judgment in Case ESIC & Others vs Awadesh Prasad Tripathi & Others, W.P.(C) 2723/2014.
  5. The petitioner further raised issue of violation of Regulation 7 (1) of Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959 read with Amendment of 2011 to the "Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959" and submitted that all DDs were provided DD (STS) NFSG after completion of service of four years vide Office Order dated 27-02-2009, 22-09-2011, 11-11-2014 and 22-09-2015 but the adversely affected DDs were provided DD (STS) NFSG after completion of five years by creating defective RRs of DD in violation of above provisions of ESIC (Staff and Conditions of Service) Regulations, 1959. Hence, the sanctity of ESIC (Staff and Conditions of Service) Regulations, 1959 should be maintained by providing this benefit to affected DDs after completion of service of four years.
  6. The DG informed that the action of amendment of RR was issued on the direction of Administrative Ministry and we have just followed the directions. The petitioner submitted that earlier five persons were promoted on the basis of failing clause of pre-existing RRs after seeking legal advice of Shri P.C. Hota, ESIC empanelled Advocate of Supreme Court of India and the proposal was processed in Administrative Ministry and approved by the then Hon'ble Minister for L&E. Later on the same RR were declared as anomalous in same file with approval of Administrative Ministry.
  7. The representative of Ministry of Labour & Employment informed that the letter was just an advisory and not direction issued under Section 92 of ESI Act, 1948 for declaring the RR as anomalous.
  8. 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 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 glaring

violation of para No. 3.1.3 of DoPT Guidelines OM No. AB-14017/48/2010 Estt. (RR) dated 31-12-2010. The management of ESIC had misused arbitrarily the scope of interpretation of word "may" and "could" used in DoPT Guidelines for harming the interest of affected persons and to favour some person who otherwise were not eligible for promotion before the adversely affected persons.

9. The Commission, after listening to both sides made the following recommendation.

- The DG, ESIC and Administrative Ministry are expected to amend the RRs and make provision for adding protection clause to protect the interest of those persons whose qualifying service for promotion is enhanced by new RR and make it effective retrospectively as no one should get harmed.
- The DPC for the promotion of DD to JD for the years 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.
- The affected 10 persons should be provided DD (STS) NFSG after completion of regular service of four years as per condition prescribed in Regulation 7 (1) of Employees' State Insurance Corporation Regulations, 1959 read with Amendment of 2011 to the "Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959".
- The petitioner also raised the issue that the Secretary General of their Federation had been unwillingly transferred out of Delhi to cause harm to functioning of their Federation and demanded for his posting in ESIC Hqrs. Office which is necessary for betterment of members of Associations of their All India Federation.

In compliance with the above recommendation, the Commission should be made aware of the action taken report within 1 month of receipt of the proceedings.

नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

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4.6.019  
नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**(HS/1/2018/MLAB1/SEOTH/RU-III)**

SUB : REPRESENTATION OF SHRI HEERA SINGH SECRETARY GENERAL, ALL INDIA ESIC SC/ST OFFICERS & EMPLOYEES FEDRATION, PANCHDEEP BHAWAN, WING NO.- PREM NAGAR, DEHRADUN (U.K) REGARDING DISCRIMINATORY AMENDMENTS/FRAMING OF RECRUITMENT REGULATIONS FOR THE POST OF REGIONAL DIRECTOR GRADE 'B'/JOINT DIRECTOR IN ESI CORPORATION FOR HARMING INTEREST OF 24 RESERVE CATEGORY OFFICER OUR OF WHICH 14 OFFICERS BELONG TO ST CATEGORY. ATTENDANCE OF PARTICIPANTS IN THE SITTING HELD ON 09/05/2019 AT 12.30 PM IN THE NATIONAL COMMISSION FOR SCHEDULED TRIBE, NEW DELHI.

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

- |                         |                        |          |
|-------------------------|------------------------|----------|
| 1. Shri Nand Kumar Sai, | Hon'ble Chairperson    | IN CHAIR |
| 2. Ms. Anusuiya Uikey,  | Hon'ble V. Chairpreson |          |
| 3. Shri H. K Damor,     | Hon'ble Member         |          |
| 4. Smt. M.C.I.,         | Hon'ble Member         |          |
| 5. Shri A.. K. Singh,   | Secretary              |          |
| 6. Shri S. K. Ratho,    | Joint Secretary        |          |
| 7. Dr. Lalit Latta,     | Director               |          |
| 8. Shri A. K. Dwivedi,  | Consultant             |          |

**Officer of the ESIC, New Delhi**

- |                       |                |
|-----------------------|----------------|
| 1. Shri Raj Kumar,    | DG             |
| 2. Shri K G Suresh,   | Joint Director |
| 3. Shri Manish Gupta, | Dy. Director   |

**Officer Of the Ministry of Labour and Employment,**

- |                            |                  |
|----------------------------|------------------|
| 1. Shri Bijaynand Pattnaik | Deputy Secretary |
| 2. Santosh Kumar Singh     | Under Secretary  |

**Petitioner**

- |                     |   |
|---------------------|---|
| 1. Shri Heera Singh | General Secretary, All India ESIC Fedration |
|---------------------|---|