

-75/N-

**Reference pre-page:-**

It is submitted that as per prior appointment, on 30.1.2018, I (R.S. Manwal, Assistant Director) visited the Union Public Service Commission and met Shri B.S. Heet, Under Secretary (RR) for submission/discussion of proposal for amendments in RRs for the post of Regional Director Grade 'A'/Director in ESIC. After scrutiny, the proposal was returned in original with some observations which are examined as under:-

Sl. No.	Observation of the UPSC	Reply
1	ESIC has proposed failing which clause to the primary clause of promotion. Justification with facts and figures for eligibility of candidates in feeder grade(s) with vacuum to be persisting up to the year. As per DoP&T policy combination of service is generally not prescribed.	In ESIC at present against 69 sanctioned posts of Regional Director Grade 'A'/Director, only 19 Directors are in position. In the proposed RRs for the posts of Regional Director Grade 'A'/Joint Director five years regular service as Regional Director Grade 'B'/Joint Director under primary clause and fifteen years combined regular service as Deputy Director and Regional Director Grade 'B'/Joint Director out of which two years regular service as Regional Director Grade 'B'/Joint Director has been proposed. At present out of 12 Joint Directors only three will be eligible to be considered for promotion under primary clause as on 1.1.2019. Out of other 9 Joint Directors, four will be eligible to be considered for promotion as on 1.1.2022 and other five will retire on superannuation before 1.1.2022. However if failing which clause is provided, all 12 Joint Directors will be eligible to be considered for promotion to the higher post in the year 2018. Hence keeping in view a lot of vacancies in the cadre of Regional Director Grade 'A'/Director, failing which clause has been proposed. We may inform the UPSC accordingly and also provide the facts and figures for eligibility of candidates in the feeder grade.
2	The residency period in the grade of Regional Director Grade 'B'/Joint Director may be taken as 3 years in place of 2 years as provided by DoPT in certain cases.	As per details given above, no officer in the feeder grade i.e. Joint Director fulfills the eligibility conditions for promotion to the post of Regional Director Grade 'A'/Director. The Corporation could not conduct DPC for the feeder cadre i.e. post of Joint Director as per the time schedule laid down by the DoP&T due to various reasons such as:- (a) Grade pay of Joint Director/Director/Additional Commissioner was upgraded w.e.f. 1.6.2011. (b) The Ministry vide its letter No. A-12018/04/2012-SS.I dated 22.6.2012 conveyed that the recruitment regulations for these posts are no longer operative, which was subsequently struck down by the CAT in the case of Shri A.P. Tripathi vs Union of India. The Hon'ble CAT in the said case directed ESIC to conduct all DPCs for promotion to the post of Joint Director as well as Directors without waiting for notification of new RRs. (c) In the meantime, no DPC for the post of Joint Director could be held for the vacancy year 2010-11, 2011-12 and 2012-13. (d) RRs for the post was amended and finally notified on 2.11.2013. (e) Had the DPC been held timely, as per the schedule, all 12 Joint Directors presently holding the post on regular basis would have become eligible for promotion to the post of Director from 2016-17 or 2017-18 even as per the existing RRs. (f) In case residency period in the grade of Regional Director Grade 'B'/Joint Director is taken as three years in place of proposed two years, no officer will be eligible to be considered for promotion before 1.1.2019, whereas if residency period as Regional Director/Joint Director is taken as two years all 12 Joint Director will be eligible to be considered for promotion in the year 2018 from the date of notification of revised RRs.

-76/W-

		<p>In the pre-revised RRs for the post of Regional Director Grade 'A'/Director notified in the year 2007, with the approval of the Central Government and UPSC, for promotion to the post, the following provisions were given:-</p> <p>Promotion:-          "Regional Director Grade 'B'/Joint Director in the scale of pay of Rs. 10,000-15,200 with five years regular service in the grade failing which Regional Director Grade 'B'/Joint Director with 10 years combined regular service in the grade of Regional Director Grade 'B'/Joint Director in the scale of pay of Rs. 10,000-15,200 and Deputy Director in the scale of pay of Rs. 8000-13,500 out of which minimum 2 years regular service should be in the grade of Regional Director Grade 'B'/Joint Director."</p> <p>As in the pre-revised RRs for the post of Regional Director Grade 'A'/Joint Director, there is provision for two years minimum qualifying service as Regional Director Grade 'B'/Joint Director under failing which clause, similar provision is proposed in the revised RRs for the post.</p> <p>Keeping in view the above, we may request the Commission to approve the RRs for the post of Regional Director Grade 'A'/Director as per approval of the ESI Corporation.</p>
--	--	---

With aforesaid clarifications/reply, we may resubmit the proposal for amendments in recruitment regulations for the post of Regional Director Grade 'A'/Director in ESIC to the UPSC.

Accordingly a draft is put up for approval please.

*AW*  
19/12/18  
DD (BPC)

*Accepts*  
19/12/18  
Draft reply to UPSC  
for kind approval  
*[Signature]*

*IC (P&AD)*

*[Signature]*  
21/12

SP  
Reference above!

Fair letter is put up for signature of JDI

*AW*  
21/12/18

DD (BPC) on ltr  
JDI

*[Signature]*  
21/12