



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

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

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(Regd.No. S/27858 of 1995)

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INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED.2015-068 Dated 27th May, 2020.

To,

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

Subject: **Large Scale Misuse of his position by Shri K.G. Suresh, JD (E-I), ESIC for his own volition by unlawfully delaying action of notifying RRs for the post of Regional Director Gr. 'A'/Director in violation of direction of Ministry of Labour and Employment, decision of apex body of ESIC, direction of UPSC and DoP&T Guidelines regarding notification of RR for over 20 months.**

DPC Scheduled to be held on 29-05-2020.

Sir,

With due regard, I would like to invite your kind attention on acts of Gross misconducts of Shri K.G. Suresh, Joint Director (E-I) who had been instrumental in committing various acts in violation of directions of Ministry of Labour and Employment, decision of apex body of ESIC, direction of UPSC and DoP&T Guidelines for his own volitions for delaying and deviating from official procedures which are explained below in sixth para.

2. With this letter, I would like to put forth a case study of how Shri K.G. Suresh, Joint Director (E-I) had misused his position for his own volition. The case is based on official documents provided by ESIC under the Right to Information Act, 2005 issued in the name of Shri Deepak Arora (Registration No. ESICO/R/2019/00537).

3. UPSC approved RR for the common cadre post of Deputy Director, Senior Deputy Director and Regional Director Gr. 'B' / Joint Director vide their letter No. 3 / 12 (7) / 2018 – RR dated

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06-08-2018 (**Annexure – XVI**). Simultaneously, UPSC also approved RR for the common cadre post of Regional Director Gr. 'A'/Director on same date vide their letter No. 3/12/(3)/2018-RR dated 06-08-2018 (**Annexure – XIV**).

4. Shri K.G. Suresh, JD (E-I) in order to harm the interest of Promotion Cadre Officers of ESIC and to favour Direct Recruited Officers acted for amending the RR for the post of Deputy Director, Senior Deputy Director and Regional Director Gr. 'B' / Joint Director by removing failing which clause. On similar grounds the UPSC approved RR for the post of Regional Director Gr. 'A'/ Director also by removing failing which clause, which was detrimental to the interest of Shri K.G. Suresh, JD (E-I) and both amendments were approved by UPSC on same day i.e. 06-08-2018.

5. Shri K.G. Suresh, JD (E-I) was becoming eligible for promotion on 01-01-2020 as per the existing RRs. And as per the UPSC approved RRs for the post of Regional Director Gr. 'A' / Director he was going to be eligible on 01-01-2022.

6. He, in order to gain undue advantage of his position in ESIC involved himself in various kinds of irregularities, such as, withholding file for long periods, tempering with noting in file, delaying action on false and frivolous grounds without approval of competent authority. Study of case file also revealed violation of direction of Ministry of Labour and Employment, decision of apex body of ESIC, direction of UPSC and DoP&T Guidelines regarding issue of notification of RR within 10 weeks from date of receipt of advice from UPSC. Whereas, in the instant case it is delayed by over 20 months on false and misleading grounds. The facts and finding are as follows :

- i. Shri K.G. Suresh, JD was assigned charge of E-I Branch on 11-05-2016 (**Copy Enclosed as Annexure I**).
- ii. The Ministry of Labour and Employment vide their letter No. A-12034/07/2016-SS.I dated 10-11-2016 requested DG, ESIC to send a proposal immediately to Ministry in the prescribed proforma/check list for formal amendment to RRs for the post of Regional Director Grade-A/Director in consultation with UPSC. (**Copy enclosed as Annexure – II**).
- iii. In compliance of direction of Ministry, the proposal for amendment of RRs was approved by ESI Corporation which was circulated vide letter No. V-11(15)-1/2017-Corporate Cell dated 16-01-2018 (**Copy enclosed as Annexure - III**).

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- iv. Subsequently the RRs were proposed to be forwarded to UPSC under intimation to the MoL&E on 18-01-2018 which was approved by the DG, ESIC on 19-01-2018 in file No. A-12(11)3/2015-E.I (**Copy enclosed as Annexure – IV**).
- v. The ESIC Corporation approved RR was forwarded to UPSC for approval of the commission vide letter No. A-12(11)3/2015-E.I dated 30-01-2018 (**Copy enclosed as Annexure – V**).
- vi. UPSC raised some observations on amended RR vide their note dated 30-01-2018 (**Copy enclosed as Annexure – VI**).
- vii. The reply to observations of UPSC was put up in file on 19-02-2018 and same was approved by IC (P&A) on 20-02-2018 without seeking approval of DG, ESIC (**Copy enclosed as Annexure – VII**).
- viii. The reply to observations of UPSC was submitted to UPSC vide letter No. A-12(11)3/2015-E.I dated 21-02-2018 without approval of DG, ESIC (**Copy enclosed as Annexure – VIII**).
- ix. The representative of ESIC was called for discussion on 21-03-2018 in the matter by ESIC vides their Email dated 16-03-2018 (**Copy enclosed as Annexure – IX**).
- x. After discussion on 21-03-2018, the UPSC vide their letter No. 3/12/(3)/2018-RR dated 22-03-2018 (**Copy enclosed as Annexure – X**) informed that “DoPT now as a principle does not prescribe the combination service and the need for combination of service is compensated by prescription of ‘deputation’”. The letter was received by Shri K.G. Suresh, JD (E-I) on 23-03-2018”.
- xi. The matter was submitted on page No. 78/N of File No. A-12(11)3/2015-E.I on 09-04-2018 by DA which was forwarded by DD (DPC) to JD(E-I) on same day (**Copy enclosed as Annexure – XI**).
- xii. Shri K.G. Suresh, JD(E-I) kept file pending with him for complete three months from 09-04-2018 to 09-07-2018 to delay the process of formation of new RR as it was harming his interest. He moved the file on 09-7-2018 on page 79/N(**Copy enclosed as Annexure–XI**) which

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was forwarded to DG, ESIC by AC (P&A) with observation "For kind approval" which was approved by DG. Later, a proposal was again submitted vide note of E-I Branch on page No. 80/N with recommendation of AC (P&A) as "For approval please". But later, the noting was tempered and words "For", "pl" and "DG" were stuck off by overwriting them. It clearly establishes that either the DG was not agreed to proposal or the proposal is not submitted before the DG as there was gross violation of direction of Ministry and decision of apex body of ESIC for approval of RR. **(Copy enclosed as Annexure – XII).**

- xiii. The final acceptance of all directions of UPSC by ESIC was communicated by ESIC vide letter No. A-12(11)3/2015-E.I on 12-07-2018 without approval of DG, ESIC **(Copy enclosed as Annexure – XIII).**
- xiv. In view of these tempering in noting portion of this file and there was a strong intention to delay publication / notifying of RRs, the file was wrongly closed / dumped.
- xv. Finally, the UPSC accepted the proposed RR vide their letter No. 3/12/(3)/2018-RR dated 06-08-2018 **(Copy enclosed as Annexure – XIV).**
- xvi. Since, the old file was not available the matter was processed in new Vol.II file and in this file a proposal dated 30-08-2018 was submitted for forwarding the RR to MoL&E for approval of Govt after vetting of Ministry of Law and Justice by E-I Branch. The JD(E-I) contrary to the direction of Ministry of Labour and Employment, approval of apex body of ESIC and direction as contained in para 5.2 of DoP&T guideline to notify the rules within 10 weeks from the date of receipt of Commission's advice, intentionally recommended to defer the publication of RR so that the publication / notifying of RR could be delayed to his own advantage without taking prior approval of Ministry, apex body of ESIC and UPSC. **(Copy enclosed as Annexure – XV).**
- xvii. The ground used for deferring the process of notifying RRs was that the finance cadre and the admin cadre was to merge at the level of Director which was false and frivolous. It is a well known fact that RRs for cadres below the level of Director are already



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merged and approved on same day i.e. 06-08-2018 by the UPSC. There was no remote scene for separation of down below Group A cadres at any level. If the same would have been a reality, then all the approved Group A RRs below the cadre of Regional Director Gr. 'A'/Director would also not have been notified. On the contrary, the ESIC was eager to promote interest of Finance Cadre Officer for their corrupt volitions in Common Cadre of Joint Director, hence ground for requirement for merger of two cadres at the level of Director is grossly incorrect and deceiving.

- xviii. The UPSC also approved RRs of remaining Group 'A' posts of Deputy Director, Sr. Deputy Director and Joint Director with a common cadre of finance and administration vide their letter No. 3/12(7)/2018-RR dated 06-08-2018 (**Copy enclosed as Annexure - XVI**) and the RRs were accepted by ESIC and notified also. It clearly establishes that the ground used for not notifying RR in instant case was false and fabricated.
- xix. The E-I branch again moved a proposal for seeking approval of Administrative Ministry for RRs for the post of Regional Director Gr.'A' / Director vide their note on page No 4/N. Shri K.G. Suresh again wrote false and fabricated reasons for delaying the process. The AC (P&A) forwarded the proposal with note as "*DG may kindly see for approval*". The DG, ESIC returned the file with remarks "Pl. Discuss". Later on, the AC(P&A) again submitted the file with note as "*Discussed with DG. The file is put up for information only*". After this the DG put his initial on proposal. It clearly establishes that the DG was agreed for information but he was not agreed for approval of proposal (**Copy enclosed as page 4/N and 5/N of Annexure - XV**).
- xx. UPSC wrote their first reminder dated 23-10-2018 for completing pending action. (**Copy enclosed as Annexure - XVII**).
- xxi. The E-I Branch processed this letter also in Vol.II file as original file was not traceable vide their note proposal dated 14-11-2018 with proposal that the decision of keeping the proposed RR approved by the Commission in abeyance. J.D. (E-I) forwarded this file with his remarks "We may inform UPSC as 'X' above". The file was forwarded to DG, ESIC by AC (P&A) with his remarks



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"DG may kindly see for information". The file was returned by DG, ESIC with remarks "Pl discuss.". After this the file was kept misplaced **(Copy enclosed as Annexure – XVIII)**.

- xxii. UPSC again wrote their second reminder dated 26-12-2018 for competing pending action. **(Copy enclosed as Annexure – XIX)**.
- xxiii. The E-I Branch processed this letter in third file vide their note proposal dated 15-01-2019 with proposal that the decision of keeping the proposed RR approved by the Commission in abeyance. J.D. (E-I) kept the matter pending at his own level. After this the file was kept inactive for long and fate of this file is also not known. **(Copy enclosed as Annexure – XX)**.
- xxiv. The incidents of gross violation of office procedures by JD (E-I) as explained in above para for his own volitions are proved beyond doubt.

Hence, from above facts it is well established that Shri K.G. Suresh, JD (E-I) had misused his position for his own volitions by acting in violation of the direction of Ministry of Labour and Employment, decision of apex body of ESIC, direction of UPSC letter dated 06-08-2018 and guideline contained in para 5.2 of "Guidelines on framing/ amendment/relaxation of Recruitment Rules" by not publishing/notifying RR within 10 weeks to gain early promotion by committing irregularities as mentioned in above paras.

Sir, our Federation is fighting against all kind of social and financial corruption in ESIC and recently we have filed a complaint of our Ex-DG on subject "Large Scale Corruption in ESIC / Gross violation of the ESI Act, 1948 and its subordinate laws for extracting benefit by awarding 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 ESIC" in Central Vigilance Commission which is still under investigation, the detail of complaint can be gauged from our web sites www.addjd.com and www.myesic.com also. These kind of acts of Shri K.G. Suresh, JD(E-I) under leadership of our ex-DG clearly makes us believe that he is also part of these kind of corruption in ESIC.

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Hence, it is imperative that before calling for the meeting of DPC for the post of Regional Director Gr. 'A'/Director in ESIC which is scheduled to be held on 29thMay, 2020 may be deferred until the role of manipulation by Shri K.G. Suresh, Joint Director (E-I) is investigated so that Shri K.G. Suresh, JD (E-I) could not reap fruits out of his wrong doing/misconducts which will only promote corruption in ESIC.

Hence, you are requested to kindly

1. Defer the DPC for the post of Regional Director Gr. 'A'/Director in ESIC scheduled to be held on 29-05-2020, and
2. Direct any senior officer of Administrative Ministry of ESIC i.e. Ministry of Labour and Employment to investigate the matter of these misconducts by Shri K.G. Suresh, Joint Director (E-I) and make the RRs affective from date when other RRs were made effective.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed: As above.

Copy to :

1. The Director General, ESIC, New Delhi – for information and n.a. pl.
2. The CVO, ESIC, New Delhi – for information and n.a. pl.
3. The Insurance Commissioner (Revenue), ESIC, New Delhi – for information and n.a. pl.

Secretary General