



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

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

(Regd.No. S/27858 of 1995)

EMAIL :heera@myesic.com & mahinder@myesic.com

www.myesic.com

"Affiliated with All India Confederation of SC/ST Organisations"

WORKING PRESIDENT
JALIM SINGH AHIRWAL

VICE-PRESIDENT (NORTH)
MAHINDER SINGH

SECRETARY GENERAL
HEERA SINGH
Mob. No. 9868241160

SECRETARY (PUB. RELATION)
ANIL KUMAR

SECRETARY (FOR NCR)
JAGDISH

F.No.AIESIC.SC/ST.FED.2015-086

Dated 18th November, 2020.

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

To,

The Secretary (Labour),
Ministry of Labour & Employment,
Shram Shakti Bhawan,
New Delhi – 110001.

Subject: **Regarding seeking actions in Impending departmental actions against Shri K.G. Suresh, Joint Director who while working as JD (E-I) in headquarters knowingly involved himself in many acts of Corruption.**

Sir,

1. With due regard, I would like to invite your kind attention on following points of gross violation of officials procedures and norms with corrupt motive by Shri K.G. Suresh, Joint Director who while working as JD (E-I) in headquarters involved himself in various kind of misconducts some of which are enumerated as follows:-

- A. Shri K.G. Suresh, Joint Director (E-I) in year 2017 had sent his feelers to me for seeking illicit gratification from my federation. The same was represented vide my letter No. F.No.AIESIC.SC/ST.FED.2015-032 dated 06-06-2017 addressed to DG, ESIC (copy enclosed as **Annexure - I**).
- B. Apart from various other corrupt practices, Shri K.G. Suresh, Joint Director was also involved in protecting the then Deputy Director In-charge of Sub-Regional Office, Nandnagri, Delhi against whom dozen of complaints were being investigated. The investigation was dealt in File No. A-22/13/1/2017-E.I by the corrupt officer himself. Since, his role in the matter was dubious the noting portion and correspondence portion of file were sought under RTI Act, 2005(copy enclosed as **Annexure - II**).
- C. To our dismay it has come to our information that relevant file is missing and not traceable (copy enclosed as **Annexure - III**).
- D. A complaint was also made against Deputy Director Incharge of Sub-Regional Office, Nandnagri, Delhi and Shri K.G. Suresh, JD (E-I) co-accomplice vide my letter No. F.No.AIESIC.SC/ST.FED. 2015-042 dated 08-03-2018 addressed to DG, ESIC (copy enclosed as **Annexure - IV**) for taking action.
- E. Subsequently, matter was also raised before the Hon'ble Prime Minister of Union Government of India vide my letter No. F.No. AIESIC.SC/ST.FED. 2015-042 dated 04-08-2020 (copy enclosed as **Annexure - V**) and the same is also still pending for action.
- F. Since, no action was taken to sensitize the corrupt officer one more application was submitted to seek the noting portion and correspondence portion of file No. Death/Compl.Case-2017/Bft under RTI Act, 2005(copy enclosed as **Annexure -VI**).

- G. Once again, to our dismay it has come to our information that the relevant file is missing and not traceable in relevant branches (copy enclosed as **Annexure - VII**).
- H. Subsequently, I have made a Public Interest Disclosure under Section 4(1) of Whistle Blowers Protection Act, 2014 on subject Large-Scale Corruption in ESIC / Gross violation of transfer policy for illicit gratification vide my letter No. F.No.AIESIC.SC/ST.FED. 2015-064 dated 29-04-2020 before your good office (copy enclosed as **Annexure - VIII**) and the same is also still pending for action.
- I. Subsequently, I have made a complaint on 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" for his own benefit vide my letter No. F.No.AIESIC.SC/ST.FED. 2015-068 dated 27-05-2020 before your good office (copy enclosed as **Annexure - IX**) and the same is also still pending for action.
- J. Since, same complaint was also submitted before "Chairman, UPSC" the UPSC directed to Administrative Ministry to defer the DPC of corrupt officer and to act in matter of misconducts by Shri K.G. Suresh, Joint Director (E-I) (copy enclosed as **Annexure - X**) which is also still pending for action in the Administrative Ministry.
- K. In due course one more complaint was made before the Hon'ble Prime Minister of Union Government of India vide my letter No. F.No.AIESIC.SC/ST.FED. 2015-074 dated 12-07-2020 on subject "Act of Breach of Privilege of Parliament of India by the Ministry of Labour and Employment" (copy enclosed as **Annexure - XI**) and the same is also still pending for action.

2. Hence, you are requested to kindly expedite action on all these serious complaints and initiate stern action against Shri K.G. Suresh, the Joint Director, ESIC and other officers who were harboring and harnessing his wrong actions and misconducts.

3. Since, the material evidences of misconducts in the cases are being destroyed or removed or tempered by the protectionist officers, it is my earnest request to kindly take stern action against the guilty officers and those officers who are involved in act of protecting guilty officers.

4. The stern action in the matter against all administrative officers is inevitable in the light of large scale corruption in ESIC. A lenient view in the matter will further boost the morale of corrupt officers and will also promote corruption in ESIC

Thanking you,

Yours faithfully,



(Heera Singh)
Secretary General,

Enclosed : As above.



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INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-32. Dated 06th 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 Uttrakhand.

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.



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- 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 – II

To,

The CPIO,
ESIC Hqr. Office,
New Delhi.

Subject : **Application for seeking information under RTI Act, 2005 – Reg.**

Sir,

With due regard, I would like to submit that recently I have written a complaint letters bearing No. AIESIC.SC/ST.Fed.2015-063 dated 23rd April, 2020 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 for ESIC amidst unprecedented COVID 19 situation in the country in violation of the ESI Act, 1948 vide his letter dated 08th April, 2020.

In this regard, I would like to submit that I have earlier worked in SRO, Nandnagri under Incharge-ship of Shri Rajiv Lal, Deputy Director. While working in same office, I have closely monitored his style of functioning. I have found him as a master manipulator, manipulating in every sphere of functioning of Sub-Regional Office.

He was habitual of using false, fabricated and lopsided facts to harass subordinate officers and staff employees. A complaint of Shri Rajiv Lal, DD I/c, SRO Nand Nagri dated 03-11-2017 addressed to DG, ESIC was submitted in Employer file No. 10001180170000999. The DD I/c manipulated my application by writing "Draft" on each page of my application and putting a remark "Not approved as per note on P-12/N of the file" with out seeking any opinion of Hqrs. Office.

Subsequently, it was observed in another instance that the DD I/c had manipulated with certain facts to target me. I submitted another complaint of Shri Rajiv Lal, DD I/c, SRO Nand Nagri dated 13-11-2017 addressed to DG, ESIC in Employer file No. 10001177510001302. This time the request was for seeking permission for using some office documents for filing an FIR against DD I/c which was not forwarded.

Subsequently, it was observed in another instance that the DD I/c had manipulated with certain facts to target me. I submitted one more complaint of Shri Rajiv Lal, DD I/c, SRO Nand Nagri dated 01-12-2017 addressed to DG, ESIC in Employer file No. 10000226120000203. This time also, the request was for seeking permission for filing an FIR against DD I/c with the help of some office documents which was also not forwarded.

Because of this kind of habitual behavior of Shri Rajiv Lal, I firmly believe that in order to retaliate to my action, Shri Rajiv Lal or his sympathizers will submit counter complaint against

me or my Federation with false, fabricated and lopsided facts. Hence, I would like to seek following information under RTI Act, 2005 so that if any false, fabricated and lopsided facts are used by them, the same could be suitably responded administratively or through legal actions :-

1. A copy of complaint, if any, made against me or my Federation by Shri Rajiv Lal, Deputy Director I/c SRO, NOIDA in his personal capacity or official capacity or as Coordinator of ESIC Group 'A' Officers' Welfare Association received in followings :
 - i) Finance Branch,
 - ii) Establishment Branch and
 - iii) Vigilance Branch.
2. A copy of complaint , if any, made against me or my Federation by Shri Hemant Kumar Pandey, Deputy Director I/c SRO, Pune in his personal capacity or official capacity or as General Secretary of ESIC Group 'A' Officers' Welfare Association received in followings :
 - i) Finance Branch,
 - ii) Establishment Branch and
 - iii) Vigilance Branch.
3. A copy of complaint , if any, made against me or my Federation by any other member of ESIC Group 'A' Officers' Welfare Association in any capacity received in followings :
 - i) Finance Branch,
 - ii) Establishment Branch and
 - iii) Vigilance Branch.
4. A copy of Noting Portion of File No. A-22/13/1/2017/E.I. of Establishment Branch I.
5. A copy of Correspondence Portion of File No. A-22/13/1/2017/E.I. of Establishment Branch I.

Yours faithfully,



Dated : 05-05-2020.

(Heera Singh)
8, Vasundhara Kunj,
Opposite Khadi and Village Industries
Commision, GMS Road,
Dehradun 248001. UK.
Mobile No. 9868241160.



मुख्यालय / HEADQUARTERS
कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
पंचदीप भवन / Panchdeep Bhawan,
सी.आई.जी. मार्ग / C.I.G. Road, नई दिल्ली-110 002 / New Delhi-110 002

F. No. Z-17/12/1/2020-E.I(DPC)

Dated: 22.07.2020

CIRCULAR

A file bearing no. A-22/13/1/2017-E.I(Pt. Fl. VI) of DPC Cell (Establishment Branch – I) is not traceable in the Cell. All the Branch Officers are requested to trace out the file in their respective branch. In case the file is traced out the same may be sent to this Cell. In case, the file is not traceable, intimation to this effect may please be sent to this Cell within 15 days from the date of issue of this Circular.

This issues with the approval of Insurance Commissioner (P&A).


(R S MANWAL)
Assistant Director

To,

1. PS/PPS to all Divisional Heads, Headquarters, New Delhi
2. PS to all Additional Commissioner / Director / Joint Director, ESIC, Headquarters, New Delhi.
3. All Branch Officers, ESIC, Headquarters, New Delhi
4. All Branches/Cell, ESIC, Headquarters, New Delhi
5. Hindi Branch / Caretaker / Librarian / Guard File / Spare Copies.



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F.No. AIESIC.SC/ST.FED. 2015-042.

Dated 08th March, 2018

To,

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



- Subject: 1) Misconduct of Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi by Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case.
- 2) Concealing of fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred.
- 3) By doing so the delinquent Employer was blessed with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
- 4) Compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
- 5) The Deputy Director l/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).



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- 2 -

- 6) The Deputy Director l/c made complaint for filing FIR (document) containing many false facts and statement, intending that such false statement may appear in evidence in a judicial proceeding or in a proceeding taken by law before a Public Servant as such and that such false statement so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding. This conduct of Deputy Director l/c is also a criminal offence under Section 192 of IPC (Act XLV of 1860).

Respected Sir,

With due regard, I would like to invite your kind attention on important issues highlighted in subject cited on page No. 1 of this letter and to submit as follows :

1. That the Deputy Director In charge, SRO Shahdara, Delhi has forwarded certain manipulated facts to Additional Commissioner cum Regional Director Delhi vide his letter bearing No. D/DO/Shad./P.G./11/8/2017/1136 dated 28-09-2017 **enclosed as Annexure - I**. These incomplete and wrong facts were ultimately forwarded to the Director General with certain recommendations by the then Regional Director.
2. On the basis of these recommendations the Hqrs. Office issued following directions vide their letter No. Death/Compl.case 2017/Bft dated 25-10-2017 **enclosed as Annexure - II** :

Contd. Page No. 3/-



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- 3 -

- a) Lodge FIR against M/s Anmol Enterprises and its Proprietor.
 - b) Lodge FIR against Head Clerk Mohinder Singh and take disciplinary action against him.
3. In compliance of direction of Hqrs. Office the Deputy Director In charge filed a complaint for registering FIR against M/s Anmol Enterprises, Shri Anmol Ratan Sharma S/o Sh. R.K. Sharma, Shri Mohinder Singh (Assistant, ESIC Branch Office Shahdara) and others vide his letter No. D/DO/Shd/PG/11/8/2017 dated 03-11-2017 **enclosed as Annexure - III**. The complaint was filed in wrong Police Station of Shahdara whereas from the complaint itself it was clear that the criminal offence was committed in Nandnagri.
 4. While going through the written complaint for registering FIR filed with wrong police station it was noticed that the written complaint was infected with various inglorious and misreported, half reported and various concealed facts in order to target one of member of our Member Association.
 5. A comparative statement of facts submitted in complaint for registering FIR and detail of wrong / false statement and concealed facts is as follows :

Contd. Page No. 4/-



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	Contents of letter of FIR filed with Police	Detail of false statements and omission of relevant and important facts
	<p>The complainant received an information cum complaint dated 09-08-2017 from one Ms. Anjali Dhawan, Advocate for and on behalf of her client Smt. Malti Devi w/o Late Shri Rakesh Mishra S/o Shri Ram Naresh Mishra. In her complaint dated 09-08-2017 Ms. Anjali Dhawan informed that Husband of Smt. Malti Devi, Late Shri Rakesh Mishra who died due to an injury sustained while working with M/s Anmol Enterprises was never covered under ESI Act and the claim of Benefits of Late Shri Rakesh Mishra S/o Shri Ram Naresh Mishra has got wrongly being processed and admitted by the department on the basis of forged and fabricated documents created by the employer Shri Anmol Ratan Sharma in order to escape their liabilities under other Labour Law regimes.</p> <p>That the said complaint of Ms. Anjali Dhawan Advocate dated 09-08-2017 was further taken up in investigation by this office by forming a team comprising of Shri Azad Singh (Assistant Director), Shri Amit Bhalla (SSO) and Shri Snehil Lodhi (Assistant) and the investigation has revealed as under :-</p>	No Comments
1.	That one Shri Rakesh Mishra S/o Sh. Ram Naresh Mishra died in an accident occurred at the premises of M/s Anmol Enterprises, 1/342B, Gali No. 1, Friends Colony, Industrial area, Mansarovar Park, Delhi on dated 26-06-2016. An FIR to this effect was also registered with the concerned police station.	No Comments
2.	That the said Anmol Enterprises was registered under the ESI Act vide Employer Code No. 10001173890000502 on 14-01-2014 (created online) with its proprietor Shri Sachin Malik son of Shri Jaipal Singh Malik at 8/61 A Ram Gali, Vishwas Nagar, Shahdara, Delhi – 110032 with email ID as jyotimetal16@gmail.com . The firm was registered and code no. was generated by the employer. The code No. was generated using the user ID and name of the employer.	That M/s Jyoti Metal was registered under the ESI Act vide Employer Code No. 10001173890000502 on 14-01-2014 (created online) with its proprietor Shri Sachin Malik son of Shri Jaipal Singh Malik at 8/61 A Ram Gali, Vishwas Nagar, Shahdara, Delhi – 110032 with email ID as jyotimetal16@gmail.com . The detail given that Anmol Enterprises was registered on 14-01-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. A copy of original C-11 is enclosed as Annexure – IV.



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3.	That on 10-09-2014 the name of the firm M/s Anmol Enterprises was changed to M/s Jyoti Metal with the same proprietor Shri Sachin Malik the mobile No. of the employer is also updated on 10-09-2014 to 9212598516 from the IP Address 10.50.120.51 which belongs to this office and from the user ID snehldh which belongs to Shri Snehil Lodhi, Assistant posted at this office. The changes were approved on 10-09-2014 from the IP address 10.50.32.11 by user name and ID delhida100. In 2014, data updation exercise was done in whole of the ESIC to verify the credentials of employers.	The employer was originally registered as M/s Jyoti Metal with Employer Code No. 10001173890000502 on 14-01-2014. The statement of DD I/c that name of firm M/s Anmol Enterprises was changed to M/s Jyoti Metal on 10-09-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. <u>A copy of Challan Status Report for Challan No. 01014102052763 created on 22-01-2014 for Rs. 3793 (Annexure – V) , Challan No. 01014107077912 created on 25-03-2014 for Rs. 7894 (Annexure – VI), Challan No. 01014117614246 created on 01-08-2014 for Rs. 12754 (Annexure – VII), and Challan No. 01015113764632 created on 15-06-2015 (Annexure – VIII) clearly show that the name of unit during period 14-01-2014 to 15-06-2015 as M/s Jyoti Metal. A copy of challan dated 22-01-2014 (Annexure IX), challan dated 25-03-2014 (Annexure X) and Challan dated 01-08-2014 (Annexure XI) are enclosed.</u>
4.	That on 28.06.2016 the corporation received an accident report from M/s Anmol Enterprises through its proprietor Shri Anmol Rattan Sharma reporting the accidental death of Shri Rakesh Mishra Son of Shri Ram Naresh Mishra purportedly having Insured Person No. 1114274369.	In view of documentary evidences placed in case as Annexure IV to XI this statement is also grossly incorrect and manipulated. Since, the name of employer was changed from M/s Jyoti Metal to M/s Anmol Enterprises on 13-10-2016 and the name of stake holder Mr. Anmol Rattan Sharma was also enrolled on 13-10-2016 and the residential address of IP was also changed on 13-10-2016 the statement that online accident report with these details filed on 28-06-2016 is grossly misplaced and not based on material facts and is an attempt to favour private parties.



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SECRETARY GENERAL

HEERA SINGH

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5.	<p>That on 11-10-2016, a change of name was initiated for the employer code no. 10001173890000502 from M/s Jyoti Metal to M/s Anmol Enterprises. It is pertinent to mention that earlier the name of Anmol Enterprises was changed to M/s Jyoti Metal on 10-09-2014 and was again changed to Anmol Enterprises on 11-10-2016. Along with the name, the address of the firm was also changed to 1/342B Gali No. 1 Friends Colony Industrial Area Mansarovar Park, Delhi. Interestingly the mobile no. of the employer i.e. 9212598516 remained unchanged. However, the email id of the firm was changed to jainconsultancy833@yahoo.co.in. These changes were requested by the employer from his user ID. The change of address and bank details were approved on 13-10-2016 at 9:37:48 am from the IP address 10.52.129.2 which is of ESIC Branch Office, Shahdara using user ID MOHINSIG which belong to Shri Mohinder Singh who is working in the Branch Office as Assistant.</p>	<p>The employer was originally registered as M/s Jyoti Metal with Employer Code No. 10001173890000502 on 14-01-2014 and the name of employer and stakeholder were changed only once on 13-10-2016. The detail given that Anmol Enterprises was registered on 14-01-2014 is grossly incorrect and fabrication of facts in order to show that there is no manipulation in registration of employer unit in order to favour the employer for undue considerations. (Annexure IV to XI)</p> <p>Here the DD I/c had intentionally omitted to mention that the particulars of employer can be changed with the approval of Branch Officers of RO and SRO only so that with the omission of this fact Shri Mohinder Singh, Assistant could be targeted for everything which he had not committed. The role of person who was assigning roles / mapping roles of Branch Officer and Branch Manager to Assistant was also not properly revealed in order to protect real culprits and employer. The role of WIPRO employee who was driving force behind these manipulations was concealed.</p> <p>Further to above, it is also informed that the DD I/c had also concealed the fact that Mobile Number 9212598516 also pertain to Mr. Sachin Kumar Jain, ESI and EPF consultant of area and sole mind behind this manipulation was to favour Mr. Jain and his clients for undue consideration</p>
6.	<p>That again on 13-10-2016 at about 9:52:25 am an online request for change of owner name of the firm M/s Anmol Enterprises from Sachin Malik to Shri Anmol Ratan Sharma Son of Shri R K Sharma was made from IP Address 10-52-129-2 which pertains to Branch Office Shahdara and the said change was also approved on 13-10-2016 itself at about 10:07:35 am from the user ID MOHINSIG which belongs to Shri Mohinder Singh Assistant. It is pertinent to mention herein that attendance record for 13-10-2016 shows that Shri Mohinder Singh Assistant was present in the Office on 13-10-2016.</p>	<p>Here the DD I/c had intentionally omitted to mention that the particulars of employer can be changed with the approval of Branch Officers of RO and SRO only so that with the omission of this fact Shri Mohinder Singh, Assistant could be targeted for everything which he had not committed.</p> <p>The role of person who was assigning roles / mapping roles of Branch Officer and Branch Manager to Assistant was not properly revealed in order to protect real culprits, consultant and employer. The role of WIPRO employee who was driving force behind these manipulation was concealed.</p>



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7.	<p>That on 13-10-2016 itself the credentials like appointment date employer code, address, dependent name etc of one Shri Rakesh Mishra Son of Shri Shashikant Mishra who is the original IP having allotted the IP No. 1114274369 while he was working with one M/s Indigo Engineering now known as Indigo Project Pvt Ltd. Having ESI Code No. 11001168580000699 having office at WZ 13D/2 1st floor Rajendra Tower Asiat Pur, Janakpuri, New Delhi (the code of the company while it was Indigo Engineering was 11001157430000699). It appears that somebody was aware that Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 had left the employment of M/s Indigo Engineering as contribution on this code was not being deposited for quite a long time. Thus somebody being aware of the above facts deliberately changed the credentials of Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 to match the details of deceased Shri Rakesh Mishra son of Shri Ram Naresh Mishra in order to get him covered under the provisions of ESI Act from back date. It is informed that the Branch Manager, Shahdara vide his email dated 11.10.2017 informed that as per the branch office dak diary register and current file of correction in IP details, no application has been found in the branch office, Shahdara in respect of data correction of above mentioned deceased IP.</p>	<p>Here the DD I/c had intentionally omitted to mention</p> <ol style="list-style-type: none">1. From first TIC generated in name of disputed Insured person it is revealed that Shri Rakesh Mishra son of Late Shashikant Mishra was registered with employer code No. 11001157430000699 (Enclosed as Annexure XII), but from IP Contribution Check option it is revealed that no contribution was ever paid in the name of IP on this employer code. In fact the date on which IP was appointed i.e 01-11-2013 the employer was not making compliance and it was defaulter since 08/2012 (Copy of C-11 enclosed as Annexure XIII)2. From IP Contribution Check option it is revealed that contribution for only 43 days is paid during half year of October, 13 to March, 2014 under code No. 11001168580000699 (Enclosed Annexure XIV) which raises serious question on trustworthiness of this employer also.3. From IP Contribution Check option it is also revealed that no contribution is paid in the name of Shri Rakesh Mishra son of Late Shashikant Mishra (current Insurance No. 1115157980) by his current employer M/s Xalta Food and Beverages Private Limited Code No. 110012109700000008 even today. A copy of C-11 is enclosed as Annexure –XV. As on 26-02-2018 the employer is defaulter since 01-09-2016. Employer had created challan for the month of Sept, 2016 and October, 2016 but challan realization date in not reflected in C-6. From November, 2016 onwards no challan is created. It raises serious question on trustworthiness of this employer also.4. The power to approve change of particulars of Insured person lies with the Branch Manager and mapping role of Branch Manager of Branch Office and Branch Officer of SRO with an Assistant of Branch Office raises serious question on person who are assigned the powers of mapping roles of various users.
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JAGDISH

8. That it is pertinent to mention herein that on 13-10-2016, employer of M/s Anmol Enterprises for the first time made declaration that Late Shri Rakesh Mishra son of Shri Ram Naresh Mishra was his employee showing his date of joining as 02-03-2016. The said changes were made from the user ID and name of the employer M/s Anmol Enterprises having no. 10001173890000502.

Here the DD I/c had omitted to mention that the IP's DFs date of appointment details clearly shows that the employer was appointed by following employers and contribution is paid with respect to only two employer with detail against their name :

Name & Code No.	Date of Appointment	Detail of Contribution paid
M/s Indigo Engineering 11001157430000699	01-11-2013	Nil
M/s Indigo Infraprojects Pvt. Ltd. 11001168580000699	01-11-2013	Paid contribution for 43 days in period 10/2013 to 03/2014
M/s Tilak Raj Arora 10001192970000499	01-04-2015	Nil (TIC is enclosed as Annexure -XVI.)
M/s Anmol Enterprises 10001173890000502	02-03-2016	Paid contribution for 18 day for month of March, 2016. Paid contribution for 63 days from April to June, 2016.

Payment of Nil contribution by two employers and very less contribution by remaining two employers clearly shows the sorry state of compliance.

As per the C-6 M/s Tilak Raj Arora is not making any compliance since first day of registration and the DD I/c had completely ignored this default to favour this employer. A copy of C-6 register showing "No data found" is enclosed as **Annexure - XVII.**



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9.	<p>That it is pertinent to point out the material changes that were deliberately made by the employer/his representative or under his instruction in order to get deceased Shri Rakesh Mishra son of Shri Ram Naresh Mishra to be covered under ESI Act after his death from a back date.</p> <table border="1" data-bbox="302 726 963 1077"><thead><tr><th>Type of change</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>IP Permanent Address</td><td>V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh</td><td>14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar</td></tr><tr><td>Pincode</td><td>Nil</td><td>110094</td></tr><tr><td>Mobile No.</td><td>Nil</td><td>8130852892</td></tr><tr><td>IP Nominee</td><td>Nil</td><td>Malti Devi</td></tr><tr><td>Father's Name</td><td>Shri Shashi Kant</td><td>Shri Ram Naresh Mishra</td></tr><tr><td>Date of Birth</td><td>05-08-1991</td><td>01-01-1976</td></tr><tr><td>Marital Status</td><td>Unmarried</td><td>Married</td></tr></tbody></table>	Type of change	From	To	IP Permanent Address	V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh	14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar	Pincode	Nil	110094	Mobile No.	Nil	8130852892	IP Nominee	Nil	Malti Devi	Father's Name	Shri Shashi Kant	Shri Ram Naresh Mishra	Date of Birth	05-08-1991	01-01-1976	Marital Status	Unmarried	Married	<p>Here the DD I/c had omitted to mention that the employer in order to transfer his liability under Workmen Compensation Act on ESIC had not only wrongly covered his dead employee under ESI Act from back date but he also covered his own firm from back date under ESI Act on borrowed identity of M/s Jyoti Metal in order to evade his liabilities.</p> <p>By doing so the DD I/c had given undue favour to employer M/s Anmol Enterprises by providing them a ground to dispute claim of widow of deceased employee in Workmen Compensation Court by unduly showing that his firm was legally registered under ESI Act.</p>
Type of change	From	To																								
IP Permanent Address	V-Sikandarpur, P – Newada, Thana Mahraj Ganj, Distt. Azamgarh	14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar																								
Pincode	Nil	110094																								
Mobile No.	Nil	8130852892																								
IP Nominee	Nil	Malti Devi																								
Father's Name	Shri Shashi Kant	Shri Ram Naresh Mishra																								
Date of Birth	05-08-1991	01-01-1976																								
Marital Status	Unmarried	Married																								
10.	<p>That it is submitted that during the investigation undertaken, the team of the complainant office was able to locate original Shri Rakesh Mishra S/o Shri Shashi Kant Mishra who is still alive and visited SRO Shahdara on 25-09-2017. He made available various documents of his identity such as PAN Card, High School certificate, Aadhar Card and Salary Slip for the month of April, 2017 issued by M/s Xalta Food and Beverages Pvt. Ltd., 161, B/4, 4th Floor, Gulmohar House, Gautam Nagar, Yusuf Sarai, New Delhi and also provided his new IP number generated by his new employer being 1115157980. Shri Rakesh Mishra S/o Shashi Kant Mishra presently residing at E-2/139, Fourth Pushta, Soniya Vihar, Karawal Nagar, Delhi – 110094.</p>	<p>Here it is pertinent to mention that the DD I/c intentionally not allowed the investigation team to visit M/s Jyoti Metal for investigating this matter for ulterior motives. The matter was allowed to be investigated lopsided giving too importance to prove registration of IP unlawful and completely ignoring the unlawful registration / transfer of title of employer himself. Had the registration / transfer of title of employer been proved unlawful the registration of IP would have been itself become unlawful.</p>																								



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11.	That it is submitted that apparently proprietor of M/s Anmol Enterprises Shri Anmol Ratan Sharma and/or Shri Sachin Malik hatched a conspiracy whereby they with the help of certain other people got their deceased employee Rakesh Mishra S/o Ram Naresh Mishra registered with the ESI Corporation by misusing and hacking / furnishing wrong information and wrongfully registering him against Shri Rakesh Mishra S/o Shashi Kant Mishra in order to escape their liability to compensate the family of their deceased employee Rakesh Mishra son of Ram Naresh Mishra and to wrongfully shift the said onus / liability upon ESIC. The accused have interfered with the computer system of the complainant corporation, they have created forged and fabricated documents in order to mislead a public servant to deliver benefits to a person who is otherwise not entitled to receive such benefits and have further caused to deny the rightful compensation to the depends of the late Shri Rakesh Mishra S/o Ram Naresh Mishra and has also committed an act of cheating as on the basis of the documents submitted by them and the changes carried out by them as explained above, this corporation approved the death benefits to be paid to the dependents of late Shri Rakesh Mishra S/o Ram Naresh Mishra who are otherwise not entitled to receive such benefits. However, on receiving the complaint and investigation thereof, the claim was rejected subsequently.	The DD I/c had concealed the material fact that M/s Anmol Enterprises was not originally registered with ESIC. It was M/s Jyoti Metal which was registered with ESIC with code No. 10001173890000502 and the ownership, address and code No. of unit was shifted from M/s Jyoti Metal to M/s Anmol Enterprises only after the accident had occurred in the premises of M/s Anmol Enterprises. The same seems to have been concealed for unlawful consideration.
12.	In view of above it is most humbly prayed that an FIR against the above named persons Namely Shri Anmol Ratan Sharma S/o Shri R.K. Sharma, Owner of M/s Anmol Enterprises, address 1/342B, Gali No. 1, Friends Colony Industrial are, Mansarovar Park, Delhi and Shri Mohinder Singh, Assistant, ESIC Branch Officer Shahdara and for the offenses as enumerated above as well as any other offence that you may deem appropriate or which is made out may kindly be registered and appropriate action may kindly be taken against the accursed persons/others accordingly.	No Comments.



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-11-

From above facts it is well established that Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi had not only mislead the Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of unduly raised claim to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case, but had fabricated with the facts of the case with Criminal Intent of favouring the delinquent Employers and in the process targeting Shri Nagender Kumar, Branch Manager and Shri Mahinder Singh, Assistant which is a criminal offence under Section 192 of IPC (Act XLV of 1860).

While doing so the accused person had committed following act of misconduct which also tantamount to criminal offences :

1. Concealing of material fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred which was concealed for gaining unlawful favours from employer.
2. By doing so the delinquent Employer was blessed by Deputy Director Incharge with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
3. The Deputy Director Incharge in order to manipulate the case of Shri Rakesh Mishra for ulterior motive used his discretionary power to withdraw work of Shri Nagender Kumar, Branch Manager to investigate and approve the death case.
4. In order to manipulate this case he allotted this case to SSO of his choice and forced him to recommend the case and he himself admitted the death case in haste.

Contd. Page No. 12/-



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5. When complaint was received against acceptance of this case he himself rejected this case and in order to favour employer twisted the nature of offence committed by the employer by misleading the Director General, ESIC and Police Authorities about the facts of the case.
6. During all these manipulations the core responsible branches i.e. Benefit Branch and Revenue Branch were not taken into confidence and the Deputy Director Incharge got everything done from PG Cell.
7. In this case the compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
8. The Deputy Director I/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).
9. The Deputy Director I/c submitted a written complaint for filing FIR (document) containing many false facts and statement, intending that such false statement may appear in evidence in a judicial proceeding or in a proceeding taken by law before a Public Servant as such and that such false statement so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding. This conduct of Deputy Director I/c is also a criminal offence under Section 192 of IPC (Act XLV of 1860).

Contd. Page No. 13/-



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- 13 -

The Headquarters Office was well informed about these kinds of behaviour of Shri Rajiv Lal, Deputy Director Incharge with full evidences but some of the officers of Headquarters particularly Shri K. G. Suresh, Joint Director (Establishment I) is deeply involved with the Deputy Director Incharge and is reaping unreasonable favours from Deputy Director Incharge for protecting him.

In view of above, your good office is requested to kindly take appropriate actions to sensitise Shri K.G. Suresh, Joint Director (E-I) and Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi and other officers of Headquarters Office appropriately for their act of supporting unconstitutional, Criminal, Nefarious Misdemeanours of Shri Rajiv Lal in SRO, Shahdara, Delhi.

An early action in the matter will be highly appreciated.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed : as above.

Copy to :

The **Additional Commissioner and Regional Director**, Regional Office, ESIC,
Rajindra Bhawan, Rajindra Place, New Delhi - 110009.

- For information please.



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UMESH KUMAR

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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.2015-042&063(R-1) Dated: 04.08.2020.

To,

Hon'ble Prime Minister,
Union Government of India,
Rouse Avenue,
New Delhi – 110001

PMOPG/E/2020/0716597

Subject : **Complaint against Shri Rajiv Lal, Deputy Director Incharge, SRO Nandnagri made vide letter No. AIESIC.SC/ST.FED. 2015-042 dated 08thMarch 2018 regarding Misconduct by Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case.**

Reminder letter No. F.No. AIESIC.SC/ST.FED. 2015-063 dated 23rd April, 2020.

Respected Sir,

1. With due regard, I would like to submit that I have raised two complaints on subject cited above vide my letter No. letter No. AIESIC.SC/ST.FED. 2015-042 dated 08thMarch 2018 (Copy enclosed as **Annexure – I**) and reminder letter F.No.AIESIC.SC/ST.FED.2015-063 dated 23rdApril,2020 addressed to the Director General, ESIC.

2. In my first complaint, I have requested for taking action on my long pending complaint letter No. AIESIC.SC/ST.FED. 2015-042 dated 08thMarch 2018 (**Annexure – I**) regarding manipulating with the facts of a detected case of attempt of wrongly claiming of benefit from ESIC for gaining undue benefit from cheats. And while dealing that case following gross misconduct of DD (I/c) were detected:

- A) Misconduct of Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi by Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case.
- B) Concealing of fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred.
- C) By doing so the delinquent Employer was blessed with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
- D) Compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
- E) The Deputy Director I/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).
- F) All these complaints were backed by documentary evidences which are available on our website <http://www.mvesic.com/html/penissue.html>.

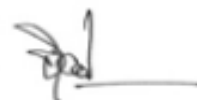
3. Both my above complaints are still pending for action in ESIC in spite of these irregularities being of grave magnitude. Further to it, there were innumerable other complaints of corruption against this corrupt person in the matter of procurement and misuse of his position by violating official procedures to harass members of SC community and he is still enjoying the patronage of higher-level officers of ESIC.

4. The support extended to this corrupt fellow is of such magnitude that nearly a dozen of complaints are consigned to records without initiating any action in the matter. The files relating to these complaints are either pending or missing in Establishment Branch or Vigilance Branch.

5. Here, it has also been learnt that the delinquent officer had conducted one more misconduct by disobeying the enclosed orders of DG, ESIC (Copy enclosed as **Annexure II**), in which he was ordered to file an FIR against M/s Anmol Enterprises and its promoter in seven working days and compliance report to be submitted within 10 days. The delinquent officer ignored the order as is clearly stated by SHO Nandnagri that Shri Rajeev Lal neither approach to police nor pursue his complaint and hence the complaint is consigned to file. (Copy enclosed as **Annexure-III**) and during this melee one of our SC member was targeted with manipulated facts.

6. You are requested to kindly use your good office for taking stern action against the guilty officer in above matter and against all officers who are responsible for shielding this corrupt officer.

Yours faithfully,



(Heera Singh)
Secretary General

Enclosed: As above.

To,

The CPIO,
ESIC Hqr. Office,
New Delhi.

Subject : **Application for seeking information under RTI Act, 2005 – Reg.**

Sir,

A. With due regard, I would like to submit that, I have written a complaint letters bearing No. AIESIC.SC/ST.Fed.2015-042 dated 08th March, 2018 consisting of following charges :

- 1) Misconduct of Shri Rajiv Lal, Deputy Director Incharge, SRO Shahdara, Delhi by Misleading Hon'ble Director General, ESIC and Police Authorities by giving wrong facts in the fabricated case of claim of benefit to Late (Sh) Rakesh Mishra worker of M/s Anmol Enterprises for seeking permission for filing FIR in the case.
- 2) Concealing of fact that not only identity of covered Insured Person was unlawfully transferred but the identity of covered Employer was also unlawfully transferred.
- 3) By doing so the delinquent Employer was blessed with ground of defense for disputing the claim of widow of diseased worker in Workmen Compensation Court against unlawful considerations.
- 4) Compliance status of various employers with whom the Original Insured Person was associated were concealed so that no defaulter action could be initiated against them.
- 5) The Deputy Director I/c while being a public servant framed incorrect document while filing a complaint in Police Station with the Criminal Intent of favouring delinquent Employers and in the process causing injury to Mrs. Malti Devi, Widow of Late (Sh) Rakesh Mishra by wrongly declaring employer as bona fide registered employer which is a criminal offence under Section 167 of IPC (Act XLV of 1860).
- 6) And all these complaints were backed by documentary evidences which are available on our website <http://www.myesic.com/html/penissue.html>.

B. Recently, it has also been learnt that the delinquent officer had conducted one more misconduct by disobeying the orders of DG, ESIC communicated vide enclosed letter No. Death/compl.case2017/Bft dated 25.10.2017 signed by Shri Mohit Raja, DD, Revenue Branch by not pursuing the matter of registering FIR with Police Authority. It was revealed by the SHO Nandnagri that Shri Rajeev Lal neither approach to police nor pursue his complaint and hence the complaint is consigned to file and during this whole melee one of our SC member was targeted with manipulated facts.

C. Further, to above, one more letter bearing No. AIESIC.SC/ST.Fed.2015-063 dated 23rd April, 2020 was also written 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 for ESIC amidst unprecedented COVID 19 situation in the country in violation of the ESI Act, 1948 vide his letter dated 08th April, 2020. In this letter a reminder reference was also made of case of complaint dated 08.03.2018.

D. In view of new revelation indicated in para B above, the role of Officers in Headquarters in this case of corruption was also doubted as the approval for filing FIR was given on behalf of DG, ESIC and the same was not pursued with the police Authorities.

E. Hence, in order to ascertain the facts of monitoring of this case and in order to remove my apprehension that ESIC is not maintaining high standards of ethical probity, I want to seek following information under the RTI Act, 2005 :-

1. A copy of Noting Portion of File No. Death/compl.case2017/Bft and its all part files of Revenue Branch or Benefit Branch as the case may be.
2. A copy of Correspondence Portion of File No. Death/compl.case2017/Bft and its all part files of Revenue Branch or Benefit Branch as the case may be.

Yours faithfully,



Dated : 04-08-2020.

(Heera Singh)
8, Vasundhara Kunj,
Opposite Khadi and Village Industries
Commission, GMS Road,
Dehradun 248001. UK.
Mobile No. 9868241160.

Annexure – VII



मुख्यालय, कर्मचारी राज्य बीमा निगम,
पंचदीप भवन, सी.आई.जी.मार्ग, नई दिल्ली – 110002

फ़ाइल सं° ESICO/R/E/20/01813(HQ)/RTI

दिनांक 17.09.2020

सेवा में,

Shri Heera Singh
House No-08, Frist Floor
Opposite Khadi and Village Industries Commission
Vasundhara Kunj, GMS Road
Dehradun-248001

विषय: सूचना का अधिकार 2005 के अंतर्गत मांगी गई सूचना उपलब्ध कराने के संदर्भ में।
महोदय,

उपरोक्त विषय पर दिनांक 04.08.2020 को प्राप्त आपके आवेदन पत्र रजिस्ट्रेशन संख्या- ESICO/R/E/20/01813 के संदर्भ में सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सहायक निदेशक (हितलाभ शाखा) एवं उप निदेशक (राजस्व शाखा) द्वारा दिया गया जबाब निम्नवत है:-

क्र° संख्या	मांगी गयी जानकारी	जबाब
1	A copy of Nothing Portion of File No Death/compl.case2017/Bft and its all part files of Revenue Branch or Benefit Branch as the may be.	संदर्भगत फ़ाइल संख्या Death/compl.case2017/Bft हितलाभ शाखा एवं राजस्व शाखा से संबन्धित नहीं है।
2	A copy of Correspondence Portion of File No Death/compl.case2017/Bft and its all part files of Revenue Branch or Benefit Branch as the may be.	

प्रथम अपीलीय प्राधिकारी :-

श्री एम. के. शर्मा, बीमा आयुक्त
क°रा°बी° निगम, मुख्यालय, पंचदीप भवन,
सी.आई.जी. मार्ग, नई दिल्ली-02

भवदीप

एम°जॉर्ज
संयुक्त निदेशक
(केंद्रीय लोक सूचना अधिकारी)

25/09/2020
ok
17/09/2020



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

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SECY. FINANCE
RAJ KUMAR

ASSISTANT SECY. FINANCE
UMESH KUMAR

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(W. ZONE)

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KULDEEP KUMAR
KAILASH CHAND

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

F.No. AIESIC.SC/ST.FED.2015-064Dated 29thApril,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 on the basis of 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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Mob. No. 09868241160

- 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 an 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.



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- 3-

- 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 ESIC 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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- 4 -

- 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.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed : Annexure – I to VI.

Dated :29-04-2020.

Copy to :-

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.

Secretary General



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RAJ KUMAR

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(S. ZONE)
SUDIP KUMAR SARKAR
(E. ZONE)
RAM CHANDRA JATIA
(W. ZONE)

INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED.2015-068 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

Contd. Page No. 2/-



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-2-

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 vide 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.addid.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



संघ लोक सेवा आयोग
UNION PUBLIC SERVICE COMMISSION
धौलपुर हाउस, शाहजहाँ रोड / Dholpur House, Shahjahan Road
नई दिल्ली - 110 069 / New Delhi - 110 069

F. No. 2/10/2019-RR

Date: 24th June 2019

To
The Secretary to the Govt. of India,
Ministry of Labour & Employment
Shram Shakti Bhawan,
New Delhi.

Subject : Irregularities in ESIC

Sir,

I am directed to forward a representation dated 26.05.2020 received from All India ESIC SC/ST Officers & Employees Federation.

2. In the representation, it has been stated that one Shri K.G. Suresh, JD (E-I) has gained undue advantage position in ESIC and has involved himself in various kinds of irregularities, such as withholding file for long periods, tampering with noting in file, delaying action on false and frivolous grounds without approval of competent authority. Study 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 RRs within 10 weeks from the date of receipt of advice from UPSC. Whereas in the instant case (of RRs for the post of Regional Director Group 'A'/Director), it has been delayed by over 20 months on false and misleading grounds.

3. In view of the above, the Association has requested that holding the DPC meeting for the post of Regional Director Grade A / Director on 29.05.2020 may be deferred and the role of manipulation by Shri K.G. Suresh, Joint Director (E-I) may be investigated. They have requested for the following actions:

- (i) Defer the DPC for the post of Regional Director/Director in ESIC scheduled to be held on 29.05.2020; and
- (ii) Direct the Administrative Ministry of ESIC i.e. Ministry of Labour and Employment to act in the matter of these misconducts by Shri K.G. Suresh, Joint Director (E-I) and make the RRs affective from 01.01.2019.

4. Since, the issues raised by the applicant are administrative issues to be looked into by Administrative Ministry, the representation is forwarded to Minsitry of Labour & Employment for necessary action.

Encl. As above.

Yours faithfully,

D.K. Meena

(D.K. Meena)

Under Secretary

Union Public Service Commission
Tel.No.011-23385396

✓ Copy to: Shri Heera Singh, Secretary General, All India ESIC SC/ST Officers & Employees Federation, Panchdeep Bhawan, Wing No. 4, Shivpuri, Prem Nagar, Dehradun.



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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.2015-074 Dated 12thJuly, 2020.

To,

Shri Narendra Modi Ji,
Hon'ble Prime Minister,
Union Government of India,
Rouse Avenue,
New Delhi – 110001.

Subject: **Large Scale Corruption in ESIC and Ministry of Labour and Employment.**

Act of Breach of Privilege of Parliament of India by the Ministry of Labour and Employment.

Large Scale Misuse of his position by Shri K.G. Suresh, JD (E-I), ESIC under protection of Ministry 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.

For deferring DPC to be held on 14-07-2020 – reg.

Sir,

With due regard, I would like to invite your kind attention on my letter bearing Letter No. AIESIC.SC/ST.FED. 2015-16 dated 13th October, 2015 (**Annexure – I**) on subject "**Large Scale Corruption in ESIC and Ministry of Labour and Employment**".

2. I would further like to invite your kind attention on my letter bearing No. Letter No. AIESIC.SC/ST.FED. 2015-25 dated 21st January, 2016. (**Annexure – II**) on same subject.

3. I would further like to invite your kind attention on my letter bearing No. Letter No. AIESIC.SC/ST.FED. 2015-26 dated 25th January, 2016. (**Annexure – III**) on same subject.

4. My above complaints covered various aspects of corruption in ESIC and Administrative Ministry of ESIC.

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5. In this regard, I would like to submit that in this spate of continued corruption in ESIC we came to know about various misconducts of Shri K. G. Suresh, JD (E-I) with respect to delaying notifying of RRs with documentary evidences of noting of relevant office files which clearly established unreasonable withholding of 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 notification of RR for over 20 months. All allegations were supported by substantial documentary evidences.

6. In this regard, I would like to invite your kind attention on my earlier letter No. F.No. AIESIC.SC/ST.FED.2015-067 dated 26thMay, 2020 on subject cited above addressed to Chairman, UPSC and copy endorsed to DG, ESIC. Copy enclosed as **Annexure - IV**.

7. In this regard, the UPSC had taken cognisance of facts and forwarded my representation to Administrative Ministry for Administrative action. Copy of letter of UPSC enclosed as **Annexure - V**. The DPC for the post of Regional Director Gr. 'A'/Director scheduled to be held on 29-05-2020 was deferred in the light of detected irregularities highlighted in our disclosure letter.

8. Now we have come to know that the DPC has again been re-scheduled on 14-07-2020 by UPSC. The tenure of Shri K.G. Suresh, JD posted in Establishment I Branch for last four years and 9 years in total in Hqrs was marked with various misconducts for ulterior motives. Prior to it while he was working as JD (Finance) his role in clearing construction project were also dubious. Apart from above he was also instrumental in motivating some finance Cadre officers to get themselves involved in various kind of irregularities related to their **Promotion, framing of RR, transfer & Postings, Rate contact finalization, procurement, expending of reserve funds of ESIC**. Holding of DPC without taking action against him will set a bad precedent and will be considered as a reward for corruption.

9. In all above omission & commission of misconducts, misleading Apex Body of ESIC and Standing Committee of ESIC has been regular feature. Nearly, a dozen of such known facts were revealed before ESIC and Administrative Ministry various other forums on various occasions. **The facts of all our complaints can be viewed in our website www.myesic.com/html/penissue.html**.

10. In this regard, this Federation has also made a **Public Interest Disclosure under Section 4(1) of Whistle Blowers Protection Act, 2014** vide our Letter No. AIESIC.SC/ST.FED.2015-055 dated 05thApril,2019 enclosed as **Annexure - VI** with 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.**

11. Various other irregularities relating to my above complaint are under public scrutiny and a rejoinder to above public interest disclosure is expected to be filed in coming near future.

12. In continuation of my previous complaints before ESIC and Administrative Ministry, I would further like to invite your kind attention on Parliament Question reply of Ministry of Labour and Employment, Government of India on Lok Sabha Unstarred Question No. 178 answered on 17-07-2017 a copy enclosed as **Annexure - VII**.

13. Out of seven questions raised, reply of three questions were false as a result whole reply given was lopsided and revealing wrong position in the matter. The detail of falseness of reply to Unstarred Question No. 178 (f) is explained as follows.

Que178(f) the details of action taken to repatriate officers who were posted out of their zone and completed their tenure of 2 years;

Reply : Maximum tenure at one station as per Transfer Policy is 6 years. The policy does not stipulates repatriation of officers who are posted out of their zone on completion of 2 years to the old station as only maximum tenure at one station is specified in the Tenure Policy.

Observations :

1. The term "as only maximum tenure at one station is specified in the tenure policy" is grossly incorrect. The very first sentence of third guideline of transfer policy (**Annexure - VIII**) clearly states that all posting of Group A & 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 the completion of minimum tenure. It further states that if an officer is to be transferred before the completion of the normal tenure of two years, the reasons thereof will be recorded in file while ordering the Transfer.
2. The aim of giving above wrong reply was to built a false impression that the policy do not stipulates repatriation of officers who are posted out of their zone on completion of 2 years so that JD (E-I) could bring peril to life of anyone at his own whims and fancies.
3. Those who have completed minimum/normal tenure in a posting are eligible to be considered for posting against those vacancies which are to be created by transfer of those officers who have attained maximum tenure of 6 years service in a posting.
4. By giving such reply before Hon'ble Lok Sabha JD(E-I) had given wrong information.

14. The detail of falseness of reply to US Question No. 178 (g) is explained as follows.

178(g) whether any complaint has been received regarding large scale corruption in the Ministry regarding Administration issues of ESIC and if so, the action taken by the Government thereon ?

Reply : No, Madam.

Observations :

1. The reply of Ministry of Labour and Employment is false.
 2. Following Complaints on subject "Large Scale Corruption in ESIC and Ministry of Labour and Employment" were submitted by the undersigned in the Office of Hon'ble Prime Minister of India :
 - i) Letter No. AIESIC.SC/ST.FED. 2015-16 dated 13th October, 2015. (**Annexure - I**)
 - ii) Letter No. AIESIC.SC/ST.FED. 2015-25 dated 21st January, 2016. (**Annexure - II**)
 - iii) Letter No. AIESIC.SC/ST.FED. 2015-26 dated 25th January, 2016. (**Annexure - III**)
 3. All these complaints were forwarded to Ministry of Labour and Employment by PM's Office. A copy of PM's Office letter No. PMOPG/D/2015/0247735 dated 15-10-2015 and another letter No. PMOPG/D/2015/0247749 dated 15-10-2015 both addressed to the Secretary, Ministry of Labour and Employment is attached as **Annexure - IX & X** respectively which still seems pending for action.
 4. The Administrative Ministry misguided by ESIC had concealed the above facts from the Hon'ble Parliament of India.
15. The detail of false reply to US Question No. 178 (e) is explained as follows.
- 178(e) the details of all ADs and DDs with their category that were posted out of their zone during 2011 to 2015.

Reply : No Option were called.

Observations :

1. The reply is vague and nonresponsive to question.
 2. The aim was not to reveal before Parliament the detail of officers who have completed minimum service of two years in a posting as per transfer policy.
16. From the above facts it is quite clear that Shri K.G. Suresh JD (E-I) was at the core of preparing these kinds of false and mischievous replies for manipulating transfer policy for ulterior motives. In this process he had given undue patronage to wrongly favour some officers who have completed their maximum tenure in a place of posting at the cost of those officers who have completed minimum normal tenure of two years who were made to suffer for corrupt motives. Most of the sufferers in this case belong to SC/ST category.

17. Sir, we had requested to Defer the DPC for the post of Regional Director Gr. 'A'/Director in ESIC scheduled to be held on 29-05-2020, and the matter of manipulation be examined by any senior officer of Administrative Ministry of ESIC i.e. Ministry of Labour and Employment and make the RRs affective from date when other RRs were made effective.

18. Here, it seems that the Administrative Ministry had accepted the self-investigated report submitted by guilty officers. I would like to submit that the Management of ESIC in place of taking action against guilty officers had rewarded Shri K.G. Suresh, JD (E-I) by posting him as in charge of RO Madhya Pradesh with additional charge of RO Chhattisgarh which is a posting of his choice for MP reportedly being his in laws place.

19. It gives the impression that Shri K.G. Suresh, JD (E-I) is being rewarded for all kind of corruption and manipulation in promotions, framing of Recruitment Regulations, Transfer and Posting in all Cadre of SSO and above, rate contract finalization and financial bungling of Reserve Fund of ESIC.

20. Sir, we have raised nearly a dozen complaints with substantive documentary evidences which are readily available on our [website www.myesic.com/html/penissue.html](http://www.myesic.com/html/penissue.html) and still no action is being taken against Shri K.G. Suresh, JD (E-I) who has been key person instrumental in all kind of above irregularities with the help of some Finance Cadre officers.

21. Hence, in the name of upholding probity in public administration you are requested to kindly

- a) Refer the matter to the **Central Bureau of Investigation** as the misconducts of Shri K.G. Suresh, Joint Director (E-I) as well as his seniors are well established by documentary evidences and the vigilance machinery is inactive in the matter. On the contrary management is rewarding him by giving him posting of his choice.
- b) Defer the DPC for the post of Regional Director Gr. 'A'/Director in ESIC till investigation in the matter is complete and Recruitment Regulations are notified, and
- c) Initiate disciplinary action against Shri K.G. Suresh, JD (E-I) for showing utter disrespect to our temple of democracy i.e. Parliament of India.

Yours faithfully,



(Heera Singh)
Secretary General

Enclosed: As above.

Copy to :

1. Hon'ble Minister for Labour and Employment and Chairman ESIC, GoI,
2. The Chairman, UPSC, GoI,
3. The Secretary, Ministry of Labour and Employment, GoI,

4. The Director General, ESIC, New Delhi
5. The CVO, ESIC, New Delhi
6. The Insurance Commissioner (Revenue), ESIC, New Delhi

- for information and n.a. pl.



Secretary General