



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)

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

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VICE-PRESIDENT (NORTH)
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HEERA SINGH
Mob. No. 9868241160

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RETD. INS. COMMISSIONER

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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.2015-089

Dated 5th February, 21.

To,

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

Subject : **CBI nabs In-charge Director ESIC Regional
Directorate Jammu in bribe case.**

Large Scale Corruption in ESIC.

Respected Sir,

With due regard, I would like to invite your kind attention on enclosed news clippings dated 30-01-2021 published by Jagran, the Tribune and Outlook Newspapers on above captioned subject and to submit as follows (**Annexure-A to C**):-

1. This has been the second occasion in which CBI nabs In-charge of one the Sub-Regional Offices i.e. Director ESIC Regional Directorate Jammu in bribe case.
2. We are regularly receiving feedback that the ESIC Group A Officers' Welfare Association is well entrenched in Establishment and Vigilance Branches of ESIC and is corruptly influencing policy decision of ESIC with respect to promotion, transfer and vigilance matters. The members of this Association are being posted in strategic and sensitive locations without examining their past track record.
3. Some of the officers having bad track records or are charge sheeted are posted in sensitive positions. It has come to our notice that members of this Association are often meeting in Room of Shri Bhupender Kumar, Deputy Director DPC Cell and discussing and monitoring the placement and collection of from field offices on alternate day basis.

Contd. Page No. 2/-

4. It has also been brought to our notice that one such officer of Corporation deployed in Administrative Ministry i.e. Ministry of Labour and Employment is also using his position in Administrative Ministry for influencing the decisions of Corporation in matter of promotion, transfer and vigilance action.
5. Shri P.B. Mani, Insurance Commissioner (P&A) is also tacitly providing shield to these corrupt officers.
6. I have written nearly a half a dozen complaints on similar matters, on which action is still kept pending by the authorities in ESIC and authorities in Administrative Ministry.
7. In this regard, I would like to invite your kind attention on my letter F.No.AIESIC.SC/ST.FED.2015-039 dated 07-12-2017 on subject "Gross violation of Section 17 Sub-Section 3 of ESI Act, 1948 while making officiating or temporary appointment against the post of Joint Directors I/c by posting Deputy Director I/c in SROs without consultation of UPSC and violation of ESIC Revenue Manual in SRO Nandnagri". **Annexure - D.**
8. In this letter I have objected against posting of Deputy Directors having service length of just 6 years as In charge of SROs by making officiating appointment against the post of Joint Directors I/c for which minimum qualifying service required is 10 years from DD and 12 years from combined service of AD and DD. It was also done in violation of Section 17 Sub-Section 3 of ESI Act, 1948 by bypassing the requirement of consultation of UPSC.
9. Charge-sheeted Officer Shri M. George, Joint Director was given sensitive posting in SRO Marol, inspite of adverse direction of the then DG for his being involved in shabby activities with copies of noting of files as proof of allegation. In place of keeping him in non-sensitive position, he is again positioned in mainstream Administrative post of Joint Director (Estt V) as disciplinary officer of Group C and D in HQrs.
10. I have also raised similar issue of Shri R. Thinesh Kumar, Deputy Director I/c, SRO Madurai who was also caught red handed by the CBI accepting bribe of Rs. 15,000/- to delay the payment of outstanding dues to ESIC damages and for this official favour, apprehended officer demanded illegal gratification. A copy of FIR (Under Section 154 Cr.PC) is enclosed as **Annexure-E.**
11. In Sub Regional Office, Nandnagri, Shri Rajiv Lal the then DD I/c was also delaying the payment of outstanding dues to ESIC by fixing instalment during hearing afforded to employers under Section 85 (B) by violating official procedure. Copies of some of such decisions were provided with the letter. The file in which the matter was dealt is also reported to have gone missing.

In view of above, and in the interest of probity following actions are warranted in ESIC :

1. Removal of Shri P.B. Mani, IC (P&A) and Shri Bhupender Kumar, DD (DPC Cell) from sensitive post of Administration.
2. Review of all posting on sensitive positions and in particular in following positions:
 - a) Postings in Admin and Vigilance in Hqrs. Office,
 - b) Postings in Filed Offices i.e. RO and SRO as In charge.
 - c) Postings in those offices in which additional allowance are available out of such postings.
3. Immediate withdrawal of all officers who are deployed in Administrative Ministry, i.e. Ministry of Labour and Employment as they are main cause of corruption in ESIC.
4. Action may be initiated on my letter F.No.AIESIC.SC/ST.FED.2015-039 dated 07-12-2017 and responsibility of guilty officers should be fixed for not acting on this sensitive letter.

Yours faithfully,



(Heera Singh)
Secretary General

Enclosed as above.

Copy to :

1. The Secretary. Government of India, Ministry of Labour and Employment, Sharam Shakti Bhawan, New Delhi – for advance information and necessary action please.
2. The Director General, ESIC, New Delhi – for advance information and necessary action please.

रिश्वत मामले में ईएसआइ का उप निदेशक गिरफ्तार

जागरण संवाददाता, जम्मू : कर्मचारियों से निशुल्क मेडिकल सुविधा इम्पलाइज स्टेट इंश्योरेंस (ईएसआइ) के लाखों रुपये के एवज में दो लाख रुपये रिश्वत मांगने वाले ईएसआइ के उप निदेशक दरबारा सिंह को सीबीआइ ने रंगे हाथों गिरफ्तार कर लिया है। आरोपित के खिलाफ भ्रष्टाचार निरोधक अधिनियम के तहत मामला दर्ज कर लिया गया है। उसे पुलिस रिमांड पर लेने के लिए शनिवार कोर्ट में पेश किया जाएगा।

सीबीआइ की टीम ने शुक्रवार दोपहर को ईएसआइ के शास्त्रीनगर स्थित कार्यालय में छापा मारा। जैसे ही आरोपित ने शिकायतकर्ता से पैसे वसूले तो सीबीआइ के अधिकारियों

ने उसे रंगे हाथों गिरफ्तार कर लिया। उस पर आरोप है कि उसने निजी सुरक्षा कंपनी के मालिक को नोटिस भेज कर 25 लाख रुपये जमा करवाने के लिए कहा था। शिकायतकर्ता के पास इतनी भारी भरकम राशि जमा करवाने के लिए पैसे नहीं थे। कई नोटिस मिलने के बाद शिकायतकर्ता ने थक हार कर सीबीआइ में मामला दर्ज करा दिया। सीबीआइ अधिकारियों का कहना है कि मामले की जांच की जा रही है कि आरोपित किस बात के लिए इतनी बड़ी राशि मांग रहा था। फिलहाल, आरोपित सीबीआइ के लॉकअप में है। इस बात की भी जांच की जा रही है कि 25 लाख की कौन सी रकम थी, जिसके लिए बार बार नोटिस जारी किए गए।

Friday, 5 February 2021

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CBI nabs Jammu ESIC official taking bribe

Updated At: Jan 31, 2021 06:16 AM (IST) Updated : 5 days ago

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Photo for representation only. - File photo

New Delhi, January 30

The CBI today arrested deputy director of the Employees' State Insurance Corporation (ESIC) Darbara Singh, who is posted at the department's regional office in Jammu, for accepting a bribe of Rs 50,000 to help the complainant in lowering a penalty amount from Rs 23 lakh.

Singh, who is also in charge Regional Director of Jammu, was nabbed on a complaint of a private security firm employee and the owner, who had received a notice from the ESIC office for improper papers, CBI spokesperson RC Joshi said.

"On knowing this, the complainant and the owner visited the office of the ESIC to meet the deputy director. Singh allegedly told the complainant that their papers were not proper and the ESIC would impose a penalty of Rs 23.9 lakh on them. He also said if they would pay him a bribe of Rs 2 lakh, he could reduce the penalty amount," said Joshi, adding after negotiation, they were told to pay the bribe in four installments of Rs 50,000 each. — TNS

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THE NEWS SCROLL

30 JANUARY 2021 Last Updated at 6:09 PM | SOURCE: PTI

CBI arrests ESIC Jammu office deputy director while taking bribe



New Delhi, Jan 30 (PTI) The CBI has arrested the Deputy Director of the Jammu regional office of the Employees' State Insurance Corporation for allegedly receiving a bribe of Rs 50,000 for helping lower a complainant's penalty amount from Rs 23 lakh, officials said Saturday.

Darabara Singh, who is also in-charge Regional Director, was nabbed on a complaint of a private security firm employee and the owner who had received a notice from ESIC office for improper papers, they said.

"On knowing this, the complainant and the owner, both visited the office of ESIC to meet Deputy Director. During the meeting, the Deputy Director, ESIC, allegedly told the complainant that their papers were not proper and ESIC would impose a penalty of Rs 23.90 lakh on them and if they would pay him bribe of Rs 2 lakh, he can reduce the penalty amount," CBI Spokesperson RC Joshi said.




After negotiation, they were told to pay the bribe in four installments of Rs 50,000 each, he said.

The CBI acted on the complaint and laid a trap where Singh was caught red-handed receiving the bribe installment, Joshi said.

"Searches were conducted at the premises of accused in Chandigarh, Mohali & Jammu which led to recovery of cash of Rs 7 lakh and documents related to properties," he said. PTI ABS TIR TIR

Disclaimer :- This story has not been edited by Outlook staff and is auto-generated from news agency feeds. Source: PTI

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(W. ZONE)

INTERNAL AUDITORS
KULDEEP KUMAR
KAILASH CHAND

F.No. AIESIC.SC/ST.FED. 2015-039. Dated 07th December, 2017

To,

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

Subject: Gross violation of Section 17 Sub-Section 3 of ESI Act, 1948 while making officiating or temporary appointment against the post of Joint Directors I/c by posting Deputy Director I/c in SROs without consultation of UPSC and violation of ESIC Revenue Manual in SRO Nandnagri.

Respected Sir,

With due regard, I would like to invite your kind attention on subject cited above and submit following facts :-

1. The provision of Section 17 sub section 3 clearly states that
"Every appointment to posts (other than medical posts) corresponding to group A and group B posts under the Central Government shall be made in consultation with the Union Public Service Commission :
Provided that this sub-section shall not apply to an officiating or temporary appointment for a period not exceeding one year."

A copy of extract of Sub-Section 3 of Section 17 of the Employees' State Insurance Act, 1948 is enclosed as Annexure-A.

2. In this regard, I would like to bring it to your kind notice that on 21st October, 2016 an Open ended Office Order No. 222 of 2016 dated 21-10-2016 was issued through File No. A-22/13/1/2016-E-I in which 15 Deputy Directors were designated as Deputy Director I/c. A copy of Order is Enclosed as Annexure - B.

Contd. Page No. 2/-



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3. This Order was issued in violation of provision enacted in Sub-Section 3 of Section 17 as no consultation was sought from the UPSC. The consultation of UPSC was further required as the officers concerned were made to exercise the financial and administrative powers as per the delegation of powers conferred to Joint Director (I/c) as per the combined booklet of delegation of powers 2005.
4. This Order was further in violation of Criteria laid down for Deployment of Group 'A' Officers in (Non-medical) posts which clearly prescribes that the relevant SROs will be headed by an officer of the level of Joint Director vide Memorandum No. B-11/11/1/11-E.III. dated 01-12-2011 enclosed as Annexure - C.
5. The Competent Authority was kept in darkness and UPSC was not consulted only because there was a malafide intention of placing known DR officers on strategic positions whereas the Recruitment Rules for the post of Joint Director was against the Directly Recruited Officers.
6. Further to above it is also submitted that the delegated powers of Joint Director (I/c) cannot be delegated to Deputy Director (I/c) unless change in combined booklet of delegation of powers 2005 is incorporated with the approval of Standing Committee and ESIC. Since, the powers were delegated to Deputy Director (I/c) without following due procedure the posting of Deputy Director (I/c)s is illegal.

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7. In this regard, I would further like to submit that Shri K.G. Suresh, Joint Director Establishment - I is behind all these irregularities as enlisted above and he is continuously directing/helping/supporting many of these DR DD I/c in various kind of illegal activities and some of these DD I/c are bent upon the spoil career of promotee Officers.
8. In the same disputed Office Order one Mr. M. George, Joint Director was posted as Joint Director (I/c) of SRO, Marol whereas the then Director General, had given a clear instruction that before any action for this indiscipline is taken, let the Regional Director, Ahmedabad inquire into all the cases and submit a report. In the meantime, the Director I/c, SRO Surat should be posted in areas other than Revenue till the Inquiry Report is submitted and decision taken by the Corporation. The person was posted in SRO, Marol as Joint Director I/c without the decision of Corporation. A copy of Noting page No. 30/N to 37/N of File No. S-13/1/2014-CAIU is enclosed as Annexure - D.
9. Recently, one Shri R. Thinesh Kumar, Deputy Director I/c, SRO Madurai was caught red handed by the CBI accepting bribe of Rs. 15,000/- to delay the payment of outstanding dues to ESIC of damages and for this official favour, apprehended officer demanded illegal gratification. A copy of FIR (Under Section 154 Cr.PC) is enclosed as Annexure-E.
10. As per the para 21.19 of Chapter XXI of ESIC Revenue Manual it is clearly mentioned that RDs / JD I/c have been delegated powers to sanction payment of arrears in instalments subject to the following guidelines :

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- i) The employer should be required to furnish Bank Guarantee for the timely payment of monthly instalment.
- ii) Employer should undertake to pay the current dues of the Corporation within the prescribed time limit.

A copy of relevant page is enclosed as Annexure - F.

11. The first para of chapter XXI.e (Annexure - F) explains the definition of Arrears. It states that Where the authorized officer issues a certificate to the Recovery Officer in form C-19 (Contribution), C-19 (Interest) and D-19 (Damages) under his signature specifying the amount to be recovered from the defaulting employer, the same is called "arrears".
12. From para 10 and 11 above it is clear that the RDs / JDs I/c have been delegated powers to sanction payment of arrears in instalments where as no such power is vested with Authorised Officer passing Order under Section 85 (B) of ESI Act, 1948 as the amount assessed under Section 85 (B) becomes arrears only when D-19 is passed. The DD I/c Nandnagri is also violating the laid down procedure by sanctioning instalments during proceeding u/s 85 (B) by forgoing the requirement of issuing D-19.
13. In Sub Regional Office, Nandnagri, Shri Rajiv Lal the DD I/c is also delaying the payment of outstanding dues to ESIC by fixing instalment during hearing afforded to employers under Section 85 (B) by violating above procedural requirement. A copy of Order passed under Section 85-B of the ESI Act, 1948 in the case of M/s Shubham Enterprises Code No. 10001051110001001 along with printout of C-6 is enclosed as Annexure - G. A copy of

Contd. Page No. 5/-



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similar Order passed under Section 85 (B) of the ESI Act, 1948 in the case of M/s Caretech Packaging Private Limited Code No. 10001078720000802 along with printout of C-6 is enclosed as Annexure - H. Apart from above there are many more instances and the same might be done in other SROs. Whenever we try to explain rule position to Shri Rajiv Lal he treats it as insubordination. A copy of Form ESI CP 13 to be submitted by employer before sanction of instalment is enclosed as Annexure - I.

14. On 28th April, 2017, I was transferred to RO Dehradun. On 1st May, 2017 the DD Incharge offered to mediate with Headquarters Office for cancelling my transfer order for which he demanded Rs. 2 Lakhs, which I refused instantly. Annoyed of my refusal he immediately wrote a note directing me to clear pendency before getting relieved. The same was informed to Headquarters Office vide my letter dated F. No. AIESIC.SC/ST.FED. 2015-32 dated 06th June, 2017 enclosed as Annexure - J.

15. A part from above, there are numerous other stances of violation of procedural codes i.e. where action is required to be followed under Section 45 A the main action were deferred and in place of it prosecution action are initiated. In some cases the DD I/c had directed to initiate action under Section 45 A for just 3 months in place of 5 years against Defaulter unit.

With these substantial facts, I would humbly request you to kindly

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- a) nullify the posting of all DDs as DD I/c communicated vide Office Order No. 222 of 2016 dated 21-10-2016 and issue direction to related ACs/Directors/Joint Directors of the concerned Region to rectify all major decisions of such DD I/cs.
- b) Take action against Shri K.G. Suresh, Joint Director (E-I) for his dubious role in promoting interest of DR Officers for unreasonable means.
- c) To initiate inquiry on irregularities intimated by the undersigned with respect to functioning of SRO Nandnagri.

Yours faithfully,

(Heera Singh)
Secretary General

Enclosed as above.

Copy to :

1. Chief Vigilance Officer, ESIC, Hqrs Office, ESIC, New Delhi 110002 for information and necessary action please.

Annexure - E

S.P.E.C-II

FIRST INFORMATION REPORT (Under Sec. 154 Cr.PC)

Serial No. 26

1. **District** Chennai **P.S.** CBI/ACB/Chennai **Year** 2017 **FIR No.** RC MA1 2017 A 0026 **Date/Time** 31.10.2017
At 11:00 hrs

2. **(1) Act** IPC **Sections** 120 B
(2) Act PC Act 1988 **Sections** 7 and 8
(3) Act -- **Sections** -

(4) Other Acts & Sections

3. **(a) Suspected offence :** Criminal Conspiracy , demand and acceptance of illegal gratification by corrupt and illegal means, influence on public servant by corrupt and illegal means.

(b) Day Tuesday **Date** 31.10.2017 **Time** 11:00 hrs

(c) Information received at PS Date : 31.10.2017

Entry No. 03 **Date** 31.10.2017 **Time** 09:00 hrs

4. **Type of information** Written/ Oral : Oral

5. **Place of Occurrence** : Madurai and other places

(a) Directions and Distance from PS :

(b) Address :

c) In case, outside the limit of this Police Station, then

Name of PS -- **District** --

Kulmanth

I/c पुलिस अधीक्षक
Supdt. of Police
के.अ.ब्यूरो, ए.सी.बी, चेन्नै
Chennai.

6. Complainant/Informant : Source information

(a) Name :

(b) Father's Name :

(c) Date of Birth : (d) Nationality :

(e) Passport No. -- Date of Issue --- Place of Issue --

(f) Profession :

(g) Address :

7. Details of known/ suspected / unknown accused with full particular
(Attached separate sheet, if necessary).

A-1 : Shri R Thinesh Kumar, I/c. Joint Director, employees State Insurance Corporation (ESIC), Sub Regional Office, Madurai.

A-2 : Shri K. Raja Mohan, representative of M/s. E.M.G. Yadava Women's College, Thiruppalai, Madurai

and other unknown public servants and private persons

8. Reasons for delay in reporting by the complainant/informant : --

9. Particulars of properties stolen (Attach separate sheet, if necessary) : --

10. Total value of property stolen / involved : --

11. Inquest Report/ U.D. case No. if any : --

12. First information contents (Attach separate sheet, if required).

Subramanyam


I/c पुलिस अधीक्षक
Supdt. of Police
के.अ.च्युरो, ए.सी.टी. चेन्नै
CBI, ACB, Chennai.

Information

A reliable information has been received to the effect that Shri R.ThineshKumar, I/c. Joint Director, Employees State Insurance Corporation (ESIC), Sub Regional Office (SRO), Madurai entered into a criminal conspiracy with Shri K Rajamohan, of E M G Yadava Women's College Madurai and in pursuance of the same, Shri. R.Thineshkumar allowed EMG Yadava Women's College to delay the payment of outstanding dues to ESIC and also assured waiver of damages and for this official favour, demanded illegal gratification.

2. Information further revealed that in the matter of three ESI cases pertaining to M/s. E.M.G. Yadava Women's College, Thiruppalai, Madurai, damages to the amount of Rs.7 lakhs was to be levied for non-payment of ESI by E.M.G Yadava Women's College Madurai besides interest payment of Rs. 4 lakhs. Shri Thineshkumar, I/c. Joint Director, ESI, Madurai with fraudulent intention to help Sri. Rajamohan of M/s E.M.G Yadava Women's College assured them of waving Rs.7 lakhs damages levied on the said college and for this act Shri Rajamohan was directed to meet Shri R.Thinesh Kumar on 31.10.2017 to hand over the illegal gratification for extending the said favour. It is reliably learnt that Shri Raja Mohan would be meeting Shri Thinesh Kumar, I/c. Joint Director, ESIC, SRO, Madurai on 31.10.2017 at around 2 PM for handing over the illegal gratification directly.

3. The above acts of Shri R Thinesh Kumar, Incharge, Joint Director, ESIC, Madurai and Shri K Raja Mohan, representative of M/s. E. M. G. Yadava Women's College, Thiruppalai, Madurai and other unknown public servants and others prima-facie constitute the commission of offences punishable U/sec. 120-B IPC r/w Sec 7 & 8 of Prevention of Corruption Act, 1988. Hence, a Regular Case has been registered as per the orders.


I/c पुलिस अधीक्षक
Supdt. of Police
के.अ.ब्यूरो, ए.सी.बी, चेन्नै
CBI, ACB, Chennai.

13. Action taken: Since the above information reveals commission of offence(s) u/sec. as mentioned at Item No.2

(1) Registered the case and took up the investigation or

Registered a case -- RC MA1 2017 A 0026

(2) Directed (Name of IO) Rank No.

Case entrusted to Smt A Bama, Inspector of Police, CBI , ACB, Chennai for investigation

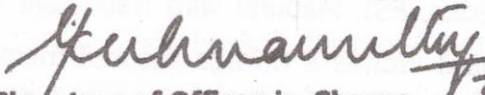
(3) Refused investigation due to -- or --

(4) Transferred to PS. -- District -- On point of jurisdiction

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.

R.O.A.C

14. Signature/ Thumb Impression of the complainant/ informant


Signature of Officer-in-Charge & Recording Officer I/c
Police Station
पुलिस अधीक्षक
Supdt. of Police
के.अ.ब्यूरो, ए.सी.बी, चेन्नै
CBI, ACB, Chennai

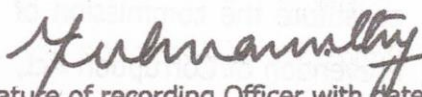
Name N Krishnamurthy

Rank I/c. Superintendent of Police
CBI/ACB/Chennai

15. Date and time of dispatch to the court : 31.10.2017 at 12.30 hrs

To

The Hon'ble II Additional Special Judge for CBI Cases, Madurai


Signature of recording Officer with date
I/c पुलिस अधीक्षक
Supdt. of Police
के.अ.ब्यूरो, ए.सी.बी, चेन्नै
CBI, ACB, Chennai

Attachment to item 7 of First Information Report

Physical features, deformities and other details of the suspect/accused (if known/seen)

S.No.	(Sex)	Date/Year of Birth	(Built)	(Height) (in cms)	(Complexion)	(Identification Mark/s)
1	2	3	4	5	6	7

(Deformities/peculiarities)	(Teeth)	(Hair)	(Eye)	(Habits)	(Dress Habit/s)
8	9	10	11	12	13

(Language / Dialect)	Place of				
	(Burn Mark)	(Leucoderma)	(Mole)	(Scar)	(Tattoo)
14	15	16	17	18	19

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

Subramanyam

DC पुलिस अधीक्षक
Supdt. of Police
के.ए.बरो, ए.सी.बी. चेन्नै