



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

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

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F.No. AIESIC.SC/ST.FED/2015/097

Dated: 23<sup>rd</sup> Jan., 2022

To,

The Director General,  
Headquarters Office,  
ESI Corporation, CIG Marg,  
**New Delhi - 110002.**

Subject : Request for Addressing the causes of Stagnation at the levels of Dy. Director to Joint Director - regarding.

Respected sir.

1. The entire ESIC SC/ST Officers' and Employees' Federation on behalf of all its constituent Member Associations wishes you a very happy and prosperous new year 2022. We at our Federation sincerely and desperately hope that under your guidance and leadership the ESIC will continue to achieve new milestones and serve its stakeholders in the best manner possible.

2. We would like to take this opportunity to bring to your kind notice the acute stagnation in various cadres of officers in our organization to the extent that, at present, 180 posts of Sr. DD, 111 out of 112 posts of Jt. Director and a total 64 posts of Director out of 70 are vacant.

3. A decade ago also the most of the Corporation was functioning on the shoulders of its ad hoc appointed officers which bring out very bad picture of the Corporation. The position has now deteriorated further as now the post are not being filled on the basis of ad hoc appointments but the whole ESIC has been regulated by Junior Most Group A cadre of Deputy Director. The Corporation is giving the work of Additional Commissioners, Directors and Joint Directors to Deputy Directors by violating proviso of Section 17(3) of ESI Act, 1948.

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4. The cadre restructuring decisions in year 2012-14 was approved by ESI Corporation in such a way that the 140 posts of Joint Director were **visualized to be eligible** from year 2019 to 2022 in following way:

As on 01.01.2019	112
As on 01.01.2022	82

5. If the old RR would have been followed, by this day 112 post of Joint Director would have been filled as per detail above and further effect of this would have been that more than 80 Joint Directors would have been eligible for promotion to the post of Director as on 01.01.2024.

6. As per the Review of RR in 2018 following implications on cadre of Joint Director is expected:

- a) As per new RR for the post of Joint Director regular service of five years in the post of Senior Deputy Director in level - 11 is prescribed, however, as per note 4 the service rendered in DD (STS) cadre upto 15-12-2018 (date of notification) shall also be counted as qualifying service.
- b) Many officers were given DD (STS) (Non-functional Selection Grade) vide **Order dated 11-11-2014 on provisional basis**. Since, the in-situ grant of scale to these officers was on provisional basis their provisional service is not countable for promotion to the post of Joint Director.
- c) Remaining Officers were given DD (STS) (Non-Functional Selection Grade) vide Order dated 29-11-2017 as per approved new RR for the post of Deputy Director.
- d) As per new RR for the post of JD, technically, as on date of notification service of only **all non-retired officers who are given DD (STS) (Non-Functional Selection Grade) vide Order dated 29-11-2017 are countable for promotion** leaving all officers who were given STS (NFSG) vide Order dated 11-11-2014 as their service is still on provisional basis.
- e) If the service of these officers who were given DD STS(NFSG) vide order dated 11-11-2014 on provisional basis are retrospectively regularised then the Ad-hoc service of eligible officer who were promoted against the regular vacancies for the post of Assistant Director will also have to be retrospectively regularised. If the same is done in parity, then many of the officers of the cadre will become eligible for promotion to the post of Joint Director as per pre-revised RR on 01-01-2018.

- f) For those officers who were given DD (STS) (Non-functional Selection Grade) vide **Order dated 11-11-2014 on provisional basis**, in senerio of their service counted retrospectively as per recommendation of regular screening committee held on 29-11-2017, the grant of regular STS will be effective from 24-07-2017 as per new RR of DD, then also only one-year service will be counted as per note 4 of new RR. Hence all officers will have to acquire further service of four years in Senior Deputy Director post.

7. Since, four years' service as Sr. Deputy Director is required for promotion to the post of Joint Director all officers will be eligible for promotion on 01-01-2028 for promotion to the post of Joint Director as explained in para 6 above.

8. This gross under-staffing at crucial administrative positions is not only impacting the day to day functioning and decision-making of the organization but, more importantly, it is adversely affecting the morale of the officers. This scenario did not emerge overnight. It is, rather, an outcome of several inapt administrative decisions effect of which will be seen in coming four five years also.

- i. The decision of Management to protect the seniority of Direct Recruited Deputy Director by encouraging litigation among Direct Recruited Deputy Directors and not defending the decision of Chairman of ESIC in Hon'ble CAT, Delhi.
- ii. The management took a surprising decision of creating a Functional position of "Sr. DD" {G.P. 6600/- (pre-revised)} in the scale.
- iii. The management also changed the RR for the post of Joint Director without visualizing it's suitability to the Organisation.
- iv. By not adopting the decision of Hon'ble High Court Delhi in the case of ESIC & Others vs. Awadesh Prasad Tripathi & Others Case No. W.P.(C) 2723/2014 to all cadres where adhoc appointments of eligible officer are made against regular vacancies.

9. For resolution of the precarious situation that has been created, it is urged that the undernoted proposals may be placed before the Ad-hoc Committee on "Human Resource Management and Capacity Building in ESIC" constituted by the MOLE for their consideration:-

- a) Revisit the requirement of creation of the separate post of Sr. Dy. Director and restore the availability of Non Functional Senior-Time-Scale to Dy. Directors.

- b) Hence, it is proposed to restore the pre-revised RR for the post of Joint Director or to issue corrigendum for including saving clause for retention of existing eligibility service as per para 3.1.3 of DoPT OM No. AB.14017/48/2010-Estt.(RR) dated 31<sup>st</sup> December, 2010 retrospectively in New RR.
- c) Restore the number of posts of Dy. Director and Joint Director to their previous levels of 519 and 140, respectively.
- d) Finalize/release the seniority of Dy. Directors as per interim judgement of the Hon'ble CAT, Principal Bench in Case No. 1545 of 2020 subject to final outcome to the said case.
- e) Send proposal for promotion of 180 Dy. Directors as Sr. Dy. Director to UPSC for DPC followed up by granting Ad-hoc promotion to eligible officers as Joint Director as per pre-existing RRs.
- f) Withdraw SLP filed in Hon'ble Supreme Court against the decision of Hon'ble High Court Delhi in the case of ESIC & Others vs. Awadesh Prasad Tripathi & Others Case No. W.P.(C) 2723/2014 and thus adopt the decision of Hon'ble High Court Delhi to all cadres where ad-hoc appointments of eligible officer are made against regular vacancies as it is the prevalent legal position.

10. With this it is amply clear that the aim of introduction of this new RR for the post of Joint Director was to defer and deny the promotion to the Post of Joint Director to our members who are more than 50 percent of effected promoted officers and as most of them are going to retire by 01.01.2028. Implementation of above proposals will be beneficial for not only our these effected members but for other protesting group also.

Yours faithfully,

( Heera Singh )  
Secretary General

**Enclosed : As above.**