



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

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(Regd.No. S/27858 of 1995)

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

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

F.No. AIESIC.SC/ST.FED.2015-090 Dated 10th March, 2021.

To,

Shri Sanjay Kothari,
Central Vigilance Commissioner,
Central Vigilance Commission,
Satarkata Bhawan, A-Block,
GPO Complex, INA,
New Delhi 110023.

Subject: **Complaint against Shri S.V. Krishna Kumar, Additional Commissioner and RD, RO Chennai and others for getting involved in act of corruption.**

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) Following employers were duly covered under ESI Act, 1948 in the jurisdiction area of Sub-Regional Office, Kollam with effect from the dates indicated against their names with number of employees found coverable :

Sr. No.	Employer's Name	Code No.	Date of Coverage	No. of employees covered
1.	M/s Margin Free Market	48000321210001099	14-09-2011	-
2.	M/s Paroos Collections	48000327650000199	20-03-2012	10
3.	M/s Jubilee Memorial Industrial Trg. Instt.	48000328010001304	01-08-2011	11
4.	M/s Najath Medical Mission Hospital	48000331840001401	01-01-2012	10
5.	M/s Dhanashree, Geetha Bhavan	48000332150000099	01-12-2012	10
6.	M/s K.J. Hospital	48000334050001401	01-12-2012	11
7.	M/s Dubai Gold Souk	48000334090001002	01-01-2013	13
Total employees				65

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- b) Sir, it is also a proven fact that above covered defaulter employers were de-covered by the Additional Commissioner Shri S.V. Krishna Kumar without proper examination, resulting in not only loss of revenue in terms of contribution but also loss of face to department due to their contrary and mala fide decisions. It has resulted in denial of rightful coverage and loss of consequential Social Security benefits to coverable employees also.
- c) It is very unfortunate that the concerned officers had grossly ignored all the efforts, pains and risks taken by the Social Security Officers and adjusted with such unwilling defaulter employers for personal pecuniary gains causing a loss of approximately Rs. 48,798=00 per month (Rs. 5,85,576/- per year) with perpetual effect by not making assessment as per provisions contained under Section 45 A of the ESI Act, 1948 as elaborated below :

Assumed Wages	:	Rs. 11,550/- per employee.
No. of employees	:	65.
Rate of Contribution	:	6.5 %

Formula of assessment for one month :

Assumed Wages x No. of employees x 6.5/100 = Rs. 48,798=00

Formula of assessment for one year :

Assumed Wages x No. of employees x 6.5/100 x 12 = Rs. 5,85,576=00

Loss of contribution for eight years : Rs. 46,84,608/-

Loss of Interest for eight years @ 12% per annum : Rs. 30 lakhs Approx.

Loss of Damages for eight years @ of 25 % : Rs. 46,84,608/-

Total loss to ESIC : Rs. 1,23,69,216/- (Approximately)

2. Sir, In this regard I have made a complaint to Director General, ESIC vide my letter No. AIESIC.SC/ST.FED.2015-083 dated 25th September, 2020 and issued one reminder bearing same number dated 06th November, 2020 which are enclosed as **Annexure – I & II**. No action seems to have been taken on this matter.

3. Hence, it is my humble submission that the guilty officers in the matter may be suitably sensitized for dereliction of duties for their misconduct of omission from taking action under Section 45 A against these defaulter employers by not assessing the contribution as per formula indicated in para 1 (d) above and for misconduct of commission of taking unlawful decision for the advantage of employer for personal pecuniary gains by ignoring the pains faced by SSOs and loss caused to rights of social security benefits of 65 employees of above defaulter employers.

4. Sir, if this case is dealt leniently it will promote corruption in ESIC as the Social Security Officers may use this case as shield for defending their cases of non-coverage and de-coverage of defaulter employers which will impede the enforcement of ESI Act, 1948. Earlier also very stern action of issuing major penalty charge sheet were initiated in such cases. Whereas in the instant case it seems that some officers in ESIC are trying to protect the guilty officer.

5. My earlier complaint in this regard was got hushed up and hence, you requested to take cognizance of irregularities of causing pecuniary loss of Rs. 1,23,69,216/- (approximately) and sensitizing all the guilty officers for their above serious misconducts and promoting corruption resulting in loss of revenue to ESIC.

6. Further, to above, you are also requested to kindly issue direction to investigate the role of all officers who were involved in protecting such kind of corrupt officers.

Yours faithfully,



(Heera Singh)
Secretary General

Enclosed: as above.