

-17/W-

Chairman to please fix a convenient Date & time for the National Litigation Committee Meeting.

चिकित्सा आयुक्त (चिकित्सा सेवाएं)  
अध्यक्ष राष्ट्रीय मुकदमा समिति  
**Medical Commissioner(Medical Services)**  
**Chairman National Litigation Committee**

23/08/2021 3:02 PM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

**Note No. #4**

Meeting will be held on 23.9.21 at 11 am in my chamber

20/09/2021 4:04 PM

Ravinder Kumar Kataria  
(MEDICAL COMMISSIONER(MS))

**Note No. #5**

सहायक निदेशक (कानूनी)  
**Assistant Director(Legal)**

20/09/2021 4:51 PM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

**Note No. #6**

Send the meeting to all the concerned branch by mail

22/09/2021 2:41 PM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

**Note No. #7**

NLC की meeting की तय तिथि के संदर्भ में संबंधित शाखा को आगे की कार्रवाई हेतु आज दिनांक 22.09.2020 को e-mail कर दि गई हैं।

सहा. निदेशक (विधि)

22/09/2021 3:09 PM

UPENDRA PANDIT  
(UPPER DIVISION CLERK(LEG))

**Note # 11**

The NLC meeting was held on 23.09.2021, wherein the following members were presented.

1. Sh. R. K. Kataria - Medical Commissioner - Chairman
2. Sh. L. Jamir - Insurance Commissioner - Member
3. Sh. D. K. Mishra - Additional Commissioner - Member

The following officers assisted the committee w.r.t. the issues/matters raised by the applicants:-

1. Sh. R S Manwal - Assistant Director - DPC(E-I)
2. Sh. S.K. Gautam - Assistant Director - E-I br.
3. Sh. A K Sinha - Dy. Director - A/c-III br.
4. Sh. J. Srivastav - Assistant Director - E-III br.
5. Sh. A.K. Sinate - Dy. Director - Vigilance br.
6. Sh. R.P Gupta - Assistant Director - E-II br.
7. Smt. Shanti Mahendran - Assistant Director - Legal Branch (Co-Ordinator)

(A) During the meeting, 12 representations were examined and the recommendations (Annexure-A)(page 16-27) against each dispute is as under:-

Sl.No.	Name/Grievances of Employee	Decision of the NLC
01	Sh. Vishal Bellad, UDC Correction in UDC Seniority List of ESIC Karnataka Region.	The committee is of view that the action of the concerned branch is in order.
02	Sh. Raghu Potlabathini, Asstt. Inclusion of name in LDCE selection list under Category of PWD vacancy of 2016-17 through LDCE for promotion.	The committee examined the instructions dated 12.06.2021 issued and found the applicant was not regular at that time for applying for the exam under LDCE. It is also reported by the concerned branch that his result has not yet been declared. Hence, the committee is of view that result of the applicant for the LDCE be declared in the first instance & thereafter, in case of successful in examination, an opportunity may be being declared to the applicant for exercising his right to be treated as an employee against LDCE or DPC quota.
03	Dr. Ravi Kanth Pula, Sp. Gr.-I, Dr. Nagarjuna Thakur, Sp. Gr.-I, Dr. Imaran Ahmed Siddiqui, Sp. Gr.-I Dr. Swathi Ala, Sp. Gr.-I Revise/Re-exercise option for fixation of pay under FR22(1)(A)(1)	The committee examined the issue & found that the promotion in r/o the complainants are after the date of notification dated 26.10.2016. Hence the committee is of view that the action of Fin & A/c-III is in order.
04	Sh. P Kunhiraman, Suptd. Retd. Sh. ND Jacob, Manager, Gr-II Retd. Revise the pay of the applicants from the date of up gradation of scale of pay for the post of manager Gr.-II	The concerned branch has not submitted the comments on the relevant facts/action. Hence, the committee is of view that the concerned branch at Hqrs may recheck the facts & submit report in next meeting.
05	Sh. Jayakrshnan A, Asstt. Sh. Ramesh C, Asstt.	On examining the facts as reported by the concerned branch of Hqrs, it was informed that reasonable & convenient

	DPC conducted on 24.09.2012 which was later cancelled	avoid hardship. Hence the action taken by concerned unit is found to be in order.
06	Sh. Yatesh kumar sharma, Asstt. EE  Seniority roll is wrongly fixed and depressed to sr. no. 14 by concealing the marks obtained by candidates in UPSC.	As reported by the concerned branch, Speaking Order has been issued on 16.08.2021 in compliance with the order dated 07.04.2021 passed by Hon'ble CAT in OA No. 774/2021.
07	Sh. Benjamin CM, Redt. Manager Gr.-II  Sh. PK Easaw, Redt. Manager Gr.-II  Re-fixation of pension	The concerned branch has not submitted the comments on the relevant facts/ action. Hence, the committee is of view that the concerned branch at Hqrs may recheck the facts & submit report in next meeting.  The committee is of view that Vigilance branch of Hqrs has no role in this issue and have asked the concerned unit to fix the pay in accordance with 6 <sup>th</sup> CPC.
08	Sh. Vijay Kumar, DD  Demand to grant STS after completing 5 years in service	The concerned branch has reported that the DPC for grant of senior time scale to eligible DD was held on 08.08.2018 & 12.08.2021 and issue in r/o the applicant is "scaled cover" as on date. Hence, this matter does not fall under the purview of the committee.
09	Sh. Heera Singh, DD Sh. Vasudev Parwani, DD Sh. LN Meena, DD Sh. Debabrata Pramanik, DD  Conducting of DPC for the year 2017-18 & 2018-19 by including the ad-hoc services in the post of AD/DD in accordance with Hon'ble Delhi High court in WPC No. 2723/2014.  A note is to be added in the RR of JD as per para 3.1.3 of DoPT OM No. AB14017/48/2020 Estt.(RR) dated 31.12.2020.  For grant STS after completion of 4 years in service.  Fixing of seniority as per the judgement of Hon'ble court in CA No. 8833-35/2019 and DoPT OM No. 35014/2/80 /Estt-D dated 07.12.1986.	As regard, inclusion of adhoc services of AD & DD for the purpose of promotion of JD. It has been reported by concerned branch that they are claiming after 17 years & hence the same is time barred & have not been considered for promotion to the post of JD. Committee has sought for instruction/notification/circular related to the case coming under the clause of time bound.  Decided by Hon'ble CAT, PB, New Delhi in favour of ESIC vide order dated 15.02.2021 in OA No. 343/2021.  The committee examined the facts (as reported by concerned branch) and found that there is no disparity as per notification of revised RR on 06.06.2015 for the post of DD.  Latest Status on the action taken in view of the judgement in CA No. 8833-35/2019 may be submitted to the committee in next meeting.
10	Sh. Sonam Dawa, DD  Up gradation of pay scale of AD/ Manager Gr.-I from 6500-10500 to 7500-12000.	MoL&E, GOI vide letter dated 06.01.2020 No. A-32022/3/2017-SS-I has not acceded to the proposal of upgradation of pay scale of AD/MG-I from 6500-10500 to 7500-12000. Hence, the action of the concerned

	Conducting Review DPC for the post of DD	Delhi. The CAT, PB has directed the respondent i.e. ESIC to pass Speaking Order vide its order dated 13.09.2021. The Adm. Branch reported that the process of Speaking Order is under process. The Committee is of view that the Speaking Order be issued at the earliest.
12.	Smt. Abhilasha Jha, DD I/c For pay fixation after grant of MACP.	The matter was taken up by the committee & asked E-I to comment on the matter. The E-I branch has sent a note stating that the matter pertains to A/c-III. Hence, the committee was of the view of forwarding the same to A/c-III & report thereof be placed in the next meeting.

(B) Further, the committee identified after examining the issues that there are some major issues such as Seniority, Promotion, Tenure of the Adhoc Service & issues related to Pensioners/pay fixation which have been cause of dispute before court of Law. **Therefore, the committee has suggested some of the strategy points for reducing the Litigations which are impediment in the smooth functioning of the Corporation to achieve the objective of National Litigation Policy.** A report on the suggestions/recommendations/Strategy made is enclosed herewith as Annexure-B (page 28-31) .

1. **Seniority:** - (a) All the Administration (Medical & Non-medical) should ensure issuance of seniority/gradation list in all the cadres every year and to examine instruction dated 13.08.2021 issued by DoP&T for adoption by ESIC to issue rightful seniority and giving the officials/officers of the Corporation their due and timely promotion. (b)  
The seniority should be based on the DoP&T's extant instruction relevant on the date on which the officials/officers have been appointed/recruited and not on the instructions extant at the time of preparation of seniority.
2. **Promotion:** - (a) All the Administration (Medical & Non-medical) should conduct DPC in all the cadre annually. (b)  
The vacancy arising in the previous year due to the retirement or death or resignation shall be affected for consideration of promotion be conducted in the subsequent year for the vacancy arose due to the retirement/death within reasonable period of time.
3. **Adhoc-service:-** All the Administration (Medical & Non-medical) should review the adhoc appointment/ promotions from time to time preferably within one year in accordance with the DoP&T instructions.
4. **Issues related to Pensioners/pay fixation:-** the issues related to pensioners/pay fixation should be resolved in time bound manner to put a quietus to the litigative proceedings.
5. **Recruitment Regulations** of all cadres (Medical and Non-medicals) should be amended from time to time to avoid delay in conducting promotions/recruitment/appointment.
6. In case of any **subject-matter (seniority/promotion/pay fixation)** decided by any court and accepted in one of the cases, the subject matter shall be applicable PAN India to all cadres and the administration should avoid unnecessary litigations for the settled matters.
7. The Competent Authority to ensure **filtering of any Orders** passed by the lower Courts against the ESIC should only be appealed in higher court only on point of law and not on the facts thereby avoiding unnecessary appeals on frivolous and vexatious matters.
8. The Competent Authority may examine schedule 24 of Staff and Conditions of Service Regulations, 1959 regarding "Other Conditions of Service" and Schedule 24-A regarding "Competent Authority for application of Central Govt. Rules" for adoption and implementation to have transparent policy in coming years.

- a. Accept the recommendation as proposed at A as per annexure 'A' in r/o the applications received in this branch under NLP.
- b. Adopt the suggestion/recommend/strategy points raised by the committee for reducing the litigation which are impediment in the smooth functioning of ESIC as proposed at B as per annexure 'B'.
- c. Forward the report to all concerned applicants through their Regional heads, Concerned branch of Hqrs & Divisional heads of Hqrs. Asstt. Director (Legal)

29/10/2021 3:40 PM

UPENDRA PANDIT  
(UPPER DIVISION CLERK(LEG))

**Note # 12**

Above notings of Assistant may kindly be perused and if agreed we may

1. Accept the recommendation as proposed at A above as per annexure 'A' from Page 16-27 in r/o the applications received in this branch under NLP.
2. Adopt the suggestion/recommend/strategy points raised by the committee for reducing the litigation which are impediment in the smooth functioning of ESIC as proposed at B as per annexure 'B' from Page 28-31.
3. Forward the report to all concerned applicants through their Regional heads, Concerned branch of Hqrs & Divisional heads of Hqrs (All ICs/MCs/Addl. Director (Finance/Vigilance)/CVO/FC).
4. Action Taken report by the concerned may also called for submitting before the NLC in the next meeting .

For kind approval.

Insurance Commissioner

29/10/2021 5:14 PM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

**Note # 13**

प्रकार के अवलोकन और महानिदेशक के अनुमोदन के लिए प्रस्तुत -

1. राष्ट्रीय मुकदमा समिति का निर्णय (अनुलग्नक-क)
2. राष्ट्रीय मुकदमा समिति की सिफारिश (अनुलग्नक-बी)

Submitted for kind perusal and approval of the Director General the -

1. Decision of the National Litigation Committee (Annexure-A)
2. Recommendation of the National Litigation Committee (Annexure-B)

महानिदेशक

Director General

01/11/2021 11:13 AM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

Note # 14

Approved  
02/11/2021 12:58 PM

MUKHMEET SINGH BHATIA  
(DIRECTOR GENERAL)

Note # 15

Pl take further necessary action.  
Assistant Director (L)  
02/11/2021 3:56 PM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

Note # 16

As approved, put up draft for forwarding the same to the respective branches/Divisional Heads/Concerned branch of Hqrs through mail.  
03/11/2021 9:33 AM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

Note # 17

Draft mail for forwarding the minutes of meeting constituted under NLP to all Divisional Head/applicants through their RD/MS/Dean and concerned branch of Hqrs is put for approval.

Asstt. Director (Legal)  
03/11/2021 3:16 PM

UPENDRA PANDIT  
(UPPER DIVISION CLERK(LEG))

Note # 18

Draft to all divisional heads, applicants through their RD/MS/Dean and respective branches of Hqrs for kind approval.  
Insurance Commissioner  
03/11/2021 3:21 PM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

Note # 19

स्वीकृत।

Approved.

सहायक निदेशक (कानूनी)

Assistant Director(Legal)

03/11/2021 6:38 PM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

Note # 20

Pl do the needful  
05/11/2021 10:26 AM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

-22/11- Esst Legal 2021 NLC Meeting 2015

Mail sent to all Divisional Head and Concerned branch of Hqrs on 05.11.2021, is for kind information.

Asstt. Director (Legal)  
05/11/2021 2:37 PM

UPENDRA PANDIT  
(UPPER DIVISION CLERK(LEG))

Note # 22

देख लिया, धन्यवाद।  
08/11/2021 10:33 AM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

Note # 23

प्रस्तुतीकरण :-

सहायक निदेशक (विधि) कृपया संलग्न नोट/रिपोर्ट का संदर्भ ले, जो राष्ट्रीय मुकदमेबाजी समिति के समक्ष प्रस्तुत की जाने वाले नोट में अधिकारियों एवं कर्मचारियों से प्राप्त अभ्यावेदन को प्रविष्ट किए गए हैं। इसमें कुछ अभ्यावेदन पुराने भी हैं, जिसमें partial recommendation हो चुकी है।

उक्त अभ्यावेदन पर संबंधित शाखा से प्राप्त reply को राष्ट्रीय मुकदमेबाजी समिति के समक्ष प्रस्तुत की जाने वाले नोट में प्रविष्ट कर दिया गया है। समिति की अगली बैठक की तिथि निश्चित करने हेतु समिति के अध्यक्ष महोदय से निवेदन किया जा सकता है।

अतः फाइल NLC की meeting की तिथि निर्धारण हेतु प्रस्तुत है।

सहा. निदेशक (विधि)

06/06/2022 12:39 PM

UPENDRA PANDIT  
(UPPER DIVISION CLERK(LEG))

Note # 24

Above notings of Assistant may kindly be perused. 13 applications have been received. If agreed we may place these applications before the National Litigation Committee constituted under National Litigation Policy.

The file is placed for fixing the date, time and venue for taking the applications before the Committee.

08/06/2022 10:07 AM

Shanti Mahendran  
(ASSISTANT DIRECTOR(LEG))

Note # 25

Chairman NLC may please fix a Date and time for the meeting.

08/06/2022 10:58 AM

Lanuyanger Jamir  
(INSURANCE COMMISSIONER(LEG))

Note # 31

- 23/11 -

प्रस्तुतीकरण :-

सहायक निदेशक (विधि) कृपया e-mail दिनांक 23.06.2022 का संदर्भ ले। राष्ट्रीय मुकदमेबाज़ी समिति के बैठक दिनांक 23.06.2022 को Dr. R.K. Kataria, Chairman, NLC के official tour के वजह से postpone कर दी गई थी। प्राप्त अभ्यावेदन पर संबंधित शाखा से प्राप्त reply को राष्ट्रीय मुकदमेबाज़ी समिति के समक्ष प्रस्तुत की जाने वाले नोट में प्रविष्ट कर दिया गया है। समिति की अगली बैठक की तिथि निश्चित करने हेतु समिति के अध्यक्ष महोदय से निवेदन किया जा सकता है।

अतः पुनः फाइल NLC की meeting की तिथि निर्धारण हेतु प्रस्तुत हैं।

सहा. निदेशक (विधि)

27/06/2022 10:10 AM

UPENDRA PANDIT

(UPPER DIVISION CLERK(LEG))

Note # 32

Above notings of Assistant may kindly be perused. The meeting scheduled for 23.06.2022 could not be held as the Chairman of the NLC had prior official commitments.

Hence, the file is again placed for fixing the date, time and venue for taking the applications before the Committee.

28/06/2022 10:15 AM

Shanti Mahendran

(ASSISTANT DIRECTOR(LEG))

Note # 33

For fixing a date & time for the NLC Meeting please.

29/06/2022 11:38 AM

Lanuyanger Jamir

(INSURANCE COMMISSIONER(LEG))

Note # 34

On 20.7.22 at 3pm

12/07/2022 2:43 PM

Ravinder Kumar Kataria

(MEDICAL COMMISSIONER(AYUSH))

Note # 35

The meeting date has been fixed for 20th July 2022. Accordingly convey to all concerned.

13/07/2022 11:13 AM

Shanti Mahendran

(ASSISTANT DIRECTOR(LEG))

Note # 36

**Note # 3**

Submitted for fixing the date of hearing please.

14/11/2022 03:31 PM

M GEORGE

JOINT DIRECTOR(LEGAL)

**Note # 4**

On 16.11.22 at 3.00pm in my room

14/11/2022 04:04 PM

Ravinder Kumar Kataria

MEDICAL COMMISSIONER(AYUSH)

**Note # 5**

Note # 4 received from the Chairman, NLC, file is submitted for information and further orders please.

14/11/2022 04:15 PM

Shanti Mahendran

ASSISTANT DIRECTOR(LEG)

**Note # 6**

Submitted for information about the date and time fixed for holding the NLC meeting by the chairman at Note #4 please.

14/11/2022 04:30 PM

M GEORGE

JOINT DIRECTOR(LEGAL)

**Note # 7**

Seen.

15/11/2022 03:40 PM

Lanuyanger Jamir

INSURANCE COMMISSIONER(MSU)

**Note # 8**

Pl inform Sh Deepak Malik, Dir (Fin) I/c also.

15/11/2022 05:26 PM

M GEORGE

JOINT DIRECTOR(LEGAL)

**Note # 9**

16/11/2022 09:51 AM

Shanti Mahendran

ASSISTANT DIRECTOR(LEG)

**Note # 10**

सहायक निदेशक (विधि) कृपया Dr. R. K. Kataria, MC से प्राप्त E-मेल दिनांक 16.11.2022 का संदर्भ ग्रहण करे, जिसमें उन्होंने NLC के आज के बैठक को दिनांक 17.11.2022 के लिए reschedule कर दिए हैं।

उपरोक्त के संबंध में संबंधित शाखा को Eमेल कर दिया गया है। यह सुचनार्थ हेतु प्रस्तुत है।

16/11/2022 12:05 PM

UPENDRA PANDIT

UPPER DIVISION CLERK(LEG)