



E.S.I.C.

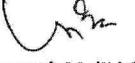
कर्मचारी राज्य बीमा निगम  
(श्रम व रोजगार मंत्रालय, भारत सरकार)  
Employees' State Insurance Corporation  
)Ministry of Labour & Employment, Govt. of India)

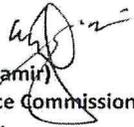


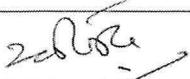
मुख्यालय/Headquarters  
पंचदीप भवन, सी.जी.आई.रोड, नई दिल्ली  
Panchdeep Bhawan, C.I.G. Road, New Delhi  
(<http://esic.nic.in>)

**MEETING OF NLC SCHEDULED TO BE HELD ON :-20.07.2022**

SI No.	Statement/Grievances of Employee	Comments by the Controlling Officer of Region	Comments by the Branch Concerned of Headquarters Office	Decision of the Litigation committee
1.	<p><u>i) Sh. Heera Singh, Deputy Director Regional Office, Dehradun</u> <u>ii) Sh. Vasudev Parwani, Deputy Director,</u> <u>iii) Sh. L.N. Meena, Deputy Director, ESICMH Jaipur</u> <u>iv) Sh. Debabrata Pramanik, Deputy Director, Regional Office, Kolkata</u> 1. <u>Conducting of DPC for the year 2017-18 and 2018 by including the ad-hoc services in the post of Assistant Director and Deputy Director in accordance with the judgement given by the Hon'ble High Court of Delhi in the case WP@ No. 2723/2014-ESIC Vs A.P. Tripathi.</u></p>	<p>Check list is attached by Sh. Debbrata Pramanik(at SI No. (iv))</p> <p>Issue of recruitment and promotion of Group 'A' Officers is being dealt with at Hqrs Office only(Estt.-I) and hence the details of recruitment etc. for particular years is not known to field office.</p>	<p>A reply has been received from DPC cell on mail dated 23/06/2022 vide which they have forwarded the replies to the issues raised by the concerned Officers which are enclosed with the reply (Annexure- I &amp; II).</p>	<p>Arguably, ESIC has to function within the vicinity of rules and the claim of the applicant is not supported by any rule laid down by DoPT. Thus, the contention of the applicant is not sustainable.</p> <p>Further, the Committee requests the administration to strictly follow DPC Calendar and timely grant promotions so that the period of adhoc promotions is restricted to the extent of 1 year. In case of failure, accountability should be fixed.</p>

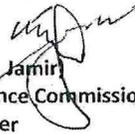
  
(Shri Deepak Malik)  
Dir., Fin. I/c  
Member

  
(Shri L. Jamir)  
Insurance Commissioner  
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(Dr. R. K. Kataria)  
Medical Commissioner  
Chairman

<p>2. <u>A note is to be added in the RR of Joint Director as per para 3.1.3 of DOPT OM No. AB14017/48/2020 Estt.(RR) dated 31/12/2020.</u></p>			<p>Decided by the court in favour of ESIC vide order dated 15.02.2021 in the matter of OA no. 343/2021 before Hon'ble CAT,PB, New Delhi. Hence, the Committee did not interfere.</p>
<p>3. <u>Previously officers were given STS on completion of 4 years of service and hence they are to be given STS on completion of 4 years of service in the post of Deputy Director.</u></p>			<p>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 Deputy Director.</p>
<p>4. <u>Fixing of seniority as per the judgement of Hon'ble High Court given in the matter of Civil Appeal No. 8833-8835/2019 and DOPT OM No. 35014/2/80/Estt-D dated 07/12/1986.</u></p>			<p>The Committee is of the view that the Administration may take a decision in light of prevailing rule position duly keeping in view the decision of the Hon'ble CAT, PB, New Delhi in OA No. 1545/2020 may be applied in this case.</p>
<p>2. <u>Smt. Abhilasha Jha, DD I/c SRO, Peenya For pay fixation after grant of MACP.</u></p>	<p>Recommended by Regional Director, Karnataka for consider as per para 26 of DoPT OM dated 19.05.2019.</p>	<p>As communicated by DD, F/A-3 that a comprehensive suggestion with data charts has been recorded in the file of E-I.</p>	<p>Her pay has been fixed at Rs. 16,890/- in the pay band-3 with grade pay of Rs. 5400/- with effect from 15.09.2010 (DNI-01.07.2011). The case stands closed.</p>
<p>3. <u>Smt. R. Vijyalakshmi, RO, Puducherry To relax the qualifying service &amp; Consider for promotion to the post of UDC for the year 2018.</u></p>	<p>The Officials representation address to the Litigation Committee is forwarded for further necessary action.</p>	<p>A note alongwith all relevant documents received from RO, Puducherry has been forwarded to E-II br. Vide this branch UO Note No. Estt/Legal/2862/2015/162 dated 28.03.2022 for submission of reply for representing before NLC. A reply has been received from E-II br. Vide UO Note No. A-33/19/33/2022-Estt-II dated 30.05.2022 wherein they</p>	<p>The Committee examined the issue and found that the action taken by RO, Puducherry is in order and her contention is not sustainable.</p>

  
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			stated that "the action taken by RO, Puducherry is found to be in order."	
4.	<p><u>Sh. Mahesh Malvankar, UDC, RO, Maharashtra</u></p> <p><u>UDC Seniority for the year 2017-18 &amp; 2018-19</u></p>	Recommended by Regional Director, RO, Maharashtra	<p>A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/154 dated 09.12.2021 followed by reminder dated 07.04.2022 for submission of reply for presenting before NLC.</p> <p>A Reply has been received from E-II br. Vide UO Note No. A-33/19/7/2022-Estt.II dated 07.04.2022 wherein they stated that the action by RO, Mumbai is found correct in terms of the DoPT OM dated 04.03.2014 which was issued in compliance of Hon'ble Supreme Court judgement in NR Parmar case.</p>	The case details have been called for from E-II, Hqrs for examining in next meeting.
5.	<p><u>Sh. Abhay Kumar Shanu, UDC, RO, Maharashtra</u></p> <p><u>Sh. Rakesh Meena, UDC, RO, Maharashtra</u></p> <p><u>Anomaly in Inter-se-seniority of UDC cadre in ESIC regions and seniority of UDC in r/o Maharashtra region for the year 2017-18, 2018 and 31.12.2018.</u></p>	<p>Recommended by Regional Director, RO, Maharashtra.</p> <p>Recommended by Regional Director,</p>	<p>A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/160 dated 29.12.2021 followed by reminder dated for submission of reply for presenting before NLC.</p> <p>A reply has been received from E-II br. Vide UO Note No. A-33/19/4/2022-Estt-II dated 31.05.2022 through email wherein they stated that "seniority prepared according to consolidated merit in the recruitment in terms of the DoPT OM no. 22011/7/86- Estt(D) dated 03.07.1986 &amp; 11/11/2010, OM No. 2011/1/12-Estt. (D) dated 04.03.2014 and DoP&amp;T OM No. 41019/18/97-Estt. Dated 13.06.2000. Hence, the request of above officials can not be acceded."</p>	<p>The case details have been called for from E-II, Hqrs for examining in next meeting.</p> <p>The case details have been called for from E-II, Hqrs for</p>

  
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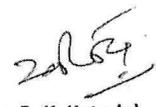
  
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	<p><u>Sh. Chiranjivee V Borkar, UDC, ESIC Model Hospital, Andheri</u></p> <p><u>Re-fix my seniority above the UDC's recruitment in the year 2017.</u></p>	RO, Maharashtra for re-examine.	<p>A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/160 dated 29.12.2021 for submission of reply for presenting before NLC.</p> <p>A reply has been received from E-II br. Vide UO Note No. A-33/19/4/2022-Estt-II dated 31.05.2022 through mail wherein they stated that "The instructions issued by DoPT based on the Meghchandra Judgement of the Hon'ble Supreme Court is applicable prospectively and the same can not be used as a reason to challenge or disturb the already finalized seniority list."</p>	examine in next meeting.
6.	<p><u>Sh. Gopalkrishna Kona, Assistant, Super Speciality Hospital, Hyderabad</u></p> <p><u>Inclusion of name in LDCE selection for the vacancy of 2017-18 through LDCE from UDC to Assistant.</u></p>		<p>A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/134 dated 11.01.2022 for submission of reply for presenting before NLC.</p> <p>A reply has been received from E-II Br., Hqrs vide their UO Note No. A-33/19/9/2018-Estt-II dated 27.01.2022 stating that "the instruction applicable at the material time did not permit any regular Assistant to appear in LDCE for the post of Assistant. Permitting the applicant alone to appear in the LDCE and declaring his result will be discriminatory as several other applicants had been denied permission by the Regions and Hqrs. Office. Though the ibid instruction has since been withdrawn".</p>	The Committee was apprised that similar matter i.e. Raghu Potlabathini, Asstt. was examined at the level of this committee. Therefore, the case details of Sh. Gopalkrishna Kona, Asstt. have been called for from E-II, Hqrs for examining in next meeting.

  
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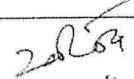
  
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7.	<p><u>i) Sh. P. Kunhiraman, Suptd. Retd.</u>  <u>ii) Sh. N.D. Jacob, Manager, Gr-II, Retd.</u>  <u>(Regional Office, Kerala)</u></p> <p><u>Regarding Revise the pay of the Applicants from the date of up gradation of scale of pay of the post of manager Gr-II and equivalent from 01-01-2006 as per 6<sup>th</sup> CPC.</u></p>	<p>The pensioners have been informed that the request can be considered only on receipt of relevant instructions from Hqrs Office.</p>	<p>The NLC could not examine the issue on 23.09.2022 due to non-availability of comments by E-III. However, A ATR/Comments have been sought by the E-III vide Legal Branch UO Note No. Estt./Legal/2862/2015/137 dated 17.06.2022.</p> <p>The reply of E-III dated 23.06.2022 informing that there is no change in the reply already furnished vides their note dated 12.03.2022.</p>	<p>Sh. Deepak Malik, Dir. Fin I/c has pointed out that Rule 33 &amp; 34 of CCS(Pension) Rules 1972 provides that the pension of a retiring Government servant is calculated on the basis of the pay which a Government servant was receiving immediately before his retirement and the pay not actually drawn is not taken into account for this purpose. Further revisions are to be done w.r.t. pay scales in which the individual retired. Therefore, The Committee accepted the reply given by E-III, Hqrs. The claim of the applicant is not sustainable.</p>
8.	<p><u>(i) Shri Benjamin CM, Retd manager, Gr-II</u></p> <p><u>Sub regional Office – Kollam, Kerala:- fixation of pay</u></p> <p><u>Re-fixation of pension.</u></p>	<p>Fixation has been done in accordance with the guidelines as per the guidelines as per 6<sup>th</sup> CPC. However the representation by the pensioner under National Litigation Policy is forwarded for further evaluation.</p>	<p>The NLC could not examine the issue on 23.09.2022 due to non-availability of comments by E-III. However, A ATR/Comments have been sought by the E-III vide Legal Branch UO Note No. Estt./Legal/2862/2015/142 dated 17.06.2022.</p> <p>The reply of E-III dated 23.06.2022 informing that there is no change in the reply already furnished vides their note dated 12.03.2022.</p>	<p>Sh. Deepak Malik, Dir. Fin. I/c has pointed out that Rule 33 &amp; 34 of CCS(Pension) Rules 1972 provides that the pension of a retiring Government servant is calculated on the basis of the pay which a Government servant was receiving immediately before his retirement and the pay not actually drawn is not taken into account for this purpose. Further revisions are to be done w.r.t. pay scales in which the individual retired. Therefore, The Committee accepted the reply given by E-III, Hqrs. The claim of the applicant is not sustainable.</p>
9.	<p><u>Sh. Kishor T. Kantode, Assistant, SRO, Nagpur</u></p> <p><u>Pay fixation as per 7<sup>th</sup> CPC after promotion to the post of Assistant</u></p>	<p>The employee was UDC as on 01.01.2016 and was promoted as Assistant(Adhoc) w.e.f. 04.08.2016. As per Rule 5 of CCS(Revised) pay rules, 2016 he sought fitment under 7<sup>th</sup> CPC w.e.f. 04.08.2016. E-III, Hqrs has, however, decided that the option of fitment is not available to the employee upon Adhoc promotion while Rule 5 of 7<sup>th</sup> CPC does not draw a distinction</p>	<p>A note alongwith all relevant documents received from SRO, Nagpur has been forwarded to Fin. &amp; A/c-III vide this branch UO Note No. Estt/Legal/2862/2015/145 dated 25.01.2022 for submission of reply for representing before NLC.</p> <p>A reply has been received from Estt.-III br. Vide ID Note No. A-27/17/2/7<sup>th</sup> cpc/2016-E.III dated 24.05.2022 wherein they have stated that If the official opts for switching over to 7<sup>th</sup> CPC from 04.08.2016, he will have refund to the pay and allowances if any he had drawn in 7<sup>th</sup> CPC pay scales from 01.01.2016/01.07.2016 to</p>	<p>E-III, Hqrs, has sent the reply to SRO, Nagpur that his request is without merit and can not be acceded to as it may result monetary loss to the applicant. The Committee after examining the issue accepted the reply of E-III, Hqrs.</p>

  
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		between Adhoc or Regular promotion.	03.08.2016. Also it may result in monetary loss to the employee.	
10.	<u>Sh. M. H. Chandarana, Gen. Secretary, ESIC Pensioner's Association (Gujarat)</u>  <u>Recovery of Leave encashment from the pensioners</u>		A note along with all the relevant documents received from Sh. Mahesh H. Chandarana has been sent by this branch UO Note No. Estt/Legal/2862/ 2015/159 dated 22.11.2021 to E-III, Hqrs vide for submission of reply for presenting before the Litigation Committee.  E-III replied to secretary general on 08.03.2022 on the subject matter informing that waiving of Leave Encashment due from the Employee who retired after 31.07.2018 is without merit and cannot be acceded to. Copy enclosed.	The reply has been sent to the applicant by E-III, Hqrs that his request is without merit and can not be acceded to. The Committee on examining the issue has accepted the reply of E-III, Hqrs on the basis of the extant instruction.
11.	<u>Dr.Partha Pratim Biswas,CMO(NFSG), PGIMSR, ESIC Medical College and Hospital &amp; ODC, Joka Kolkata</u>  <u>Grant of promotion to CMO-NFSG with effect from 08-07-2008</u>	If denial of time bound promotion of the officer to NFSG cadre from 08/07/2008 is due to 'average' grading for the year 2006 and supreme Court judgement says time bound promotion cannot be denied on the basis of uncommunicated below bench mark ACRs, his submission may be reconsidered.	A note along with all the relevant documents received from PGIMSR, ESIC Medical College and Hospital & ODC, Joka Kolkata, have been sent to DPC, Cell, Hqrs Office vide this Branch's UO note No. Estt./Legal/2862/2015/132 dated 04/01/2021 followed by reminder dated 02.03.2021 for submission of reply at the earliest for presenting before the Litigation Committee.  As communicated by Medical Br. (DPC), the promotion to CMO(NFSG) with effect from 01.04.2013 under DACP Scheme.	The Committee was apprised that the case is under sub-judice. The applicant has approached Hon'ble Supreme Court vide SLP © No. 6842/2022 after losing in the Hon'ble High Court & CAT of Calcutta. Hence, The committee chose not to interfere.
	<u>Regarding denial of promotion to SAG Grade due to adverse remark of the reviewing officer in APAR</u>		A note along with all the relevant documents received from PGIMSR, ESIC Medical College and Hospital & ODC, Joka Kolkata, have been sent to DPC, Cell, Hqrs Office vide Legal Branch's UO note No. Estt./Legal/2862/2015/132 dated 07/03/2022 for submission of reply at the earliest for presenting before the Litigation Committee.	The committee has accepted the reply given by Med. DPC br., hqrs after examining.

  
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			A reply has been received from DPC(MA) vide UO Note No. DPC(M)/MISC/Promotion-2017 dated 13.04.2022. wherein he is eligible for promotion to SAG w.r.f. 01.04.2020 and DPC for promotion to the post of SAG for year 2020-21 is yet to be conducted. Copy enclosed.	
12.	<u>Dr. Hanumantha, Asstt. Professor ESIC Hospital &amp; PGIMSR, K.K. Nagar, Chennai</u> <u>Not grant of promotion to the post of Associate professor w.e.f 12.03.2018 and applicant mentioned that there were no disciplinary proceedings against me on the said date.</u>	Recommended by Dean, KK Nagar, Chennai for Consideration.	A note along with all the relevant documents received from relevant office has been sent to Med. Adm. (DPC), Hqrs office vide this branch UO Note No. Estt/Legal/2862/2015/157 dated 19.09.2021 reminder followed by dated 24.02.2022 for submission of reply for presenting before the Litigation Committee.  A reply has been received from DPC Cell (MA) vide UO Note No. A-33/14/2/1/2010-DPC(M) dated 17.06.2022 wherein they have informed that the medical officer has been issued with the major penalty charge sheet dated 09.07.2020 which was pending on the date of DPC. Hence, the recommendation of DPC was kept under sealed cover by DPC. The same was also informed to Medical officer through their controlling unit vide letter dated 15.04.2021 and 28.02.2022. Copy enclosed.	The Committee again impressed that DPC should be conducted strictly in a time bound manner as per the DPC Calendar schedule. In case of failure, accountability should be fixed. Further, the Committee sought the status of Disciplinary proceedings from DPC(MA).
13.	<u>Smt. Anandini, OS, SRO, Nand Nagari</u> <u>Stepping up of Pay with junior in cadre of Assistant</u>	Recommended by AD (Adm.), SRO, Nand Nagri, may be informed regarding her request with DoPT letter dated 26.10.2018.	A note along with all relevant document received from concerned office has been forwarded to Regional Office, Delhi vide this branch letter No. Estt/Legal/2862/2015/146 dated 18.11.2021 for submission of reply for presenting before NLC.  क्षेत्रीय कार्यालय, दिल्ली से पत्र सं 11- ए/20/11/1200/2003- प्रशा/पार्ट-1 दिनांक 22.12.2021	Representative of RO, Delhi was not present. Hence deferred. RD, Delhi is requested to present invariably in the next meeting.

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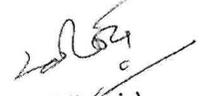
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		<p>द्वारा जबाव प्राप्त हुआ है- सहायक पद पर तदर्थ आधार पर पदोन्नति हेतु स्क्रीनिंग समिति की बैठक दिनांक 03.09.2010 में श्रीमती आनंदनी, वर्ष 2006-07 की वार्षिक मूल्यांकन रिपोर्ट में प्रतिकूल टिप्पणी के कारण, पदोन्नति के लिए अयोग्य पाई गई। दिनांक 20.12.2011 को मु. द्वारा उक्त प्रतिकूल टिप्पणी निरस्त की गई तथा दिनांक 21.12.2011 को विशेष स्क्रीनिंग समिति द्वारा श्रीमती आनंदनी को सहायक तदर्थ के पद हेतु योग्य पाया गया और उन्होंने सहायक (तदर्थ), के पद पर कार्यभार ग्रहण किया। श्रीमती आनंदनी द्वारा समय-समय पर दिए गए वेतन बढ़ोतरी के प्रतिवेदनों के कर्मिक विभाग; भारत सरकार द्वारा जारी अनुदेशों के अनुसार जांचा गया और उपयुक्त नहीं पाया गया है। वेतन बढ़ोतरी के अनुदेशों को कर्मिक विभाग द्वारा समेकित कर दिनांक 26.10.2018 को जारी किया गया तथा उसमें दिए अनुच्छेद 3 (सी) के अनुसार ही मामले की जांच की गई थी।</p>
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