

FORM NO. @
 (See Rule 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH.

ORDER SHEET

Orginal Application No. 32/06

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Jagal Boruah
 Respondent(s) U.O.T. 70M

Advocate for the Applicants M. Chanda, G.N. Chakraborty
S. Nath

Advocate for the Respondent(s) Ms. U. Das Addl. CGSC
Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
1. Application in a form is filed/C. F. S. No. d. deposit No. 266 319021	13.2.2006	Post on 15.2.2006

2. Application in a form
is filed/C. F. S. No.
d. deposit
No. 266 319021
Dated 25.1.06

1/e N. S. 6/2/06
Dy. Registrar
R. J.

15.02.2007

Present: Hon'ble Sri K.V. Sachidanandan, Vice-Chairman

Heard, Mr. M. Chanda, learned counsel for the applicant. Ms. U. Das, learned Addl. C.G.S.C. for the respondents took notice on behalf of the respondents.

Steps not taken:

8/2/06
6/12/06

The claim of the applicant is that he is continuing on ad hoc basis for several years. As per the Rule position of Employees State Insurance Corporation is concerned Group 'A' and 'B' Officers should not be permitted to continue on ad hoc basis for more than one year. If is so it should have been made in consultation with the UPSC.

Contd/-

Contd....

Contd/-

15.02.2006

When the matter came up for hearing Ms. U. Das, learned Addl. C.G.S.C. for the respondents submits that she would like to get instructions. Taking the advantage of instructions in other case, she submits that the matter has already been communicated to the UPSC, but nothing is forthcoming from their side. Counsel for the respondents is directed to get instruction to file reply statement. The applicant is at liberty to implead the concerned authority, as he deems fit and proper in the circumstances of the case.

Notice Received on behalf
Respondent No 4 & 5

(200 20/02/06
T.K. Bora)

Ms. Inspector ESIC.
R.O. Gurukul

Considering the larger issue involved in this case, the O.A. has to be admitted. Admit.

Notice & order sent
to D/section chair
issuing to resp
nos. 1, 2 & 3 by regd.
A/D post and other 7mb/
resp. nos. 4, 5 received 4.4.06
by hand.

Post on 03.04.2006.

Vice-Chairman

In view of the order passed in M.P. No. 22 of 06 the amendment is allowed.

Post the matter on 24.4.06.

Vice-Chairman

20/2/06
Notice duly served
on resp. nos. 4, 5. 1m
20/2/06. D/N=262 to 264 24.4.2006
Dts: 1/3/06.

Mr. S. Nath, learned counsel for the applicant submits that he would like to have some time to take steps.
Post on 2/5/2006.

22/3/06
Notice duly served
on resp. no. 1 + 3.

Vice-Chairman

No Reply has been
6/4/06. 20/4/06

3

02.05.2006 Mr. M. Chanda, learned counsel for the applicant submits that he will file amendment petition tomorrow Post on 15.05.2006.

15.5.06
Amended petition has been submitted by the Applicant.

Vice-Chairman

mb

15x85x2006xxxxxx

15.05.2006 Amendment was allowed. Not opposed.

Issue notice to the Respondent No. 6. Learned counsel for the respondents submitted that she has no additional reply statement to file.

Post on 15.06.2006.

Pl. comply order
dated 15.5.06.

N.B
17.5.06.

Vice-Chairman

mb

15.6.2006

Mr. M. Chanda, learned counsel for the applicant submits that amendment petition has been filed. Copy is served on Ms. U. Das, learned Addl. C.G.S.C. Ms. Das prays for time to file reply statement to the amended petition. Let it be done.

Post on 17.7.2006.

Notice & order
dt. 15/5/06 sent
to D/section for
issuing to resp.
no- 6 by regd. A/D
post. D/No- 560
(as) D/No- 31/5/06.
26/5/06.

14 - 6 - 66

- ① Notice duly served on R.No-1, 3, 4 & 5.
- ② Service awaited from R.No- 2 & 6.
- ③ No W/B has been filed.

Vice-Chairman

bb

17.7.2006

Ms. U. Das, learned Addl. C.G.S.C submits that four weeks more time is required to file reply statement. Let it be done. Post on 18.8.2006.

17-7-07
no W/B filed.

by

No. W/B has been filed.

bb

My
in goh.

Vice-Chairman

O.A.32/2006

18.8.2006

Four weeks time is granted to
the respondents to file reply statement
post on 20.9.2006.

No Wks has been
filed.

By
19.9.06.

bb

Vice-Chairman

24 - 10 - 06

Wks filed by the
respondents.

20.9.2006

Ms.U.Das, learned Addl.C.G.S.C.
submits that reply statement is being
filed tomorrow. Let it be done. Copy
of the same be furnished to the coun-
sel for the applicant in which case
applicant is permitted to file rejoinder,
if any.

post on 23.10.2006.

By

L

① Wks has been filed.

② No rejoinder has been filed.

By

9.11.06.

24.10.2006

post on 10.11.2006.

bb

Vice-Chairman

Vice-Chairman

O.A 32/06

Notes of the Registry	Date	Order of the Tribunal
	10.11.2006	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.
<u>24.10.06</u> wts filed by Respondents.		Post on 30.11.2006 for hearing. In the meantime, the Applicant may file rejoinder, if any.
		Vice-Chairman
	/mb/	
	<u>30.11.2006</u>	<u>Division Bench matters. Post on</u>
		<u>18.12.2006.</u>
		<u>Interim order will continue till</u>
<u>No rejoinder has been filed.</u>		
<u>3</u> <u>17.1.07.</u>		
		Vice-Chairman
	30.11.2006	Division Bench matters. Post on
		18.12.2006.
<u>No rejoinder has been filed.</u>		
<u>22</u> <u>15.3.07.</u>		
		Vice-Chairman
	18.1.2007	Being Division Bench matter post the same before the next available Division Bench.
<u>wts filed on behalf of the respondents.</u>		
<u>26.4.07.</u>	/bb/	
		Post the matter on 27.4.07.
		Member
		Vice-Chairman
	1m	

OA 32/06

27.4.2007 Present: The Hon'ble Mr.G.Shanthappa
Member (J)

The Hon'ble Mr.G.Ray, Member (A).

Call the O.A. on 14.05.2007 along with the
M.P.


Member (A)

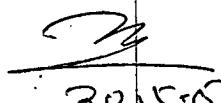
/bb/


Member (J)

WVS has been
billed.

15.5.07.

Post the matter on 31.5.07 alongwith
M.P.No.30 of 07.


Vice-Chairman

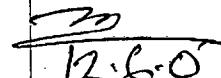
lm

30.5.07

No rejoinder has
been filed.

31.5.07 Post the matter on 15.6.07
alongwith M.P.No.30 of 07.


Vice-Chairman


12.6.07.

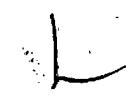
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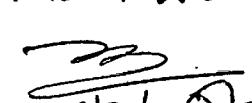
13.6.2007

Post the case on 21.6.2007 along
with M.P. for enquiry.

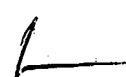
No rejoinder filed.

/bb/


Vice-Chairman


25.6.07.

21.6.07. Post the matter on 26.6.07.


Vice-Chairman

lm

O.A. 32/06 7

26.6.2007

Let this case be posted on 28.6.07
along with O.A.312/06.

Vice-Chairman

/pg/

Wk b/w
Rejoinder not
b/w

28.6.2007

Post the case on 19.7.2007 along
with the connected case.

Vice-Chairman

28-7-07.

/bb/

19.7.2007

Mr.S.Nath, learned counsel for the
Applicant and Ms.U.Das, learned Addl.
C.G.S.C. is present. Rejoinder has not been
filed in the O.A. Post the case on 20.7.2007.

Vice-Chairman

/bb/

20.7.2007

Since the M.P. is allowed the
Applicant is directed to carry out the
amendment and to file amended O.A.

Post on 8.8.2007.

29-8-07

No Amendment O.A. Ad.

bb.

1a

Vice-Chairman

30.8.2007

Mrs.U.Dutta, learned counsel for the
Applicant requests for some time to file
amended O.A. One week time is allowed.

Post on 10.9.2007.

Vice-Chairman

/bb/

80

10.9.2007

11. 9. 07

An amended
application submitted
by Applicant.

R.P.

Mr. M. Chanda, learned counsel for the Applicant submitted that amended petition has been filed. Let it be brought on record, if it is otherwise in order. As prayed Ms. U. Das, learned Addl. C.G.S.C. is granted four weeks time to file reply statement to the amended O.A..

Vice-Chairman

No reply statement /bb/
filed against the amended
application.

10.10.2007

9.10.07

No additional reply to the amended
Original Application ^{have yet been filed} in this case. Ms. Usha Das, learned Addl. Standing counsel appearing for the Central Government seeks time for this purpose.

14. 11. 07

W.P.S. will be
the Respondents.
Copy served.

R.P.

lm


(Khushiram
Member(A))


(M.R. Mohanty
Vice-Chairman)

15.11.2007

In this case written statement has already been filed. The Applicant intends to file a rejoinder, which he may do well before 26.11.2007.

Call this matter on 26.11.2007 alongwith O.A.312/2006.


(Khusiram
Member (A))


(M.R. Mohanty
Vice-Chairman)

nkm

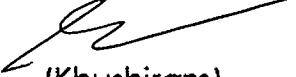
26.11.2007

At the prayer of learned counsel for the parties let the case be adjourned to be taken up on 05.12.2007 along with O.A.312/06.

Rejoinder not filed.

23
4.12.07.

/bb/


(Khushiram)
Member (A)

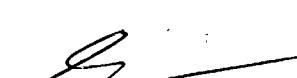
05.12.2007

Mrs. M. Das, learned Addl. Standing counsel appearing for the Union of India, has filed sick note. Mr. M. Chanda, learned counsel appearing for the Applicant has no objection for adjournment. Matter stands adjourned to 12.12.2007.

Call this matter on 12.12.2007.

Rejoinder not filed.

23
11.12.07.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

12.12.2007

Mrs.M.Das, learned Addl. Standing counsel for the Union of India, is in accommodation.

Call this matter on 18.01.2008.

Rejoinder not filed.

23
17.1.08.


(Gautam Ray)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

19.06.2008

~~Judgment pronounced in open Court.
Kept in separate sheets. Application is
dismissed. No costs.~~


(Khushiram)
Member(A)

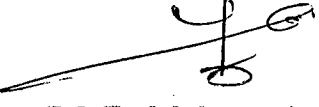

(M.R. Mohanty)
Vice-Chairman

lm

18.01.2008 On the prayer of Mr M. Chanda, learned Counsel appearing for the Applicant (made in presence of the Ms. U. Das, learned Counsel appearing for the Respondents), this matter stands adjourned, to be taken up on 25.01.2008; because Mr M. Chanda intends to obtain upto date instructions from the Applicant pertaining to his desire to continue in the low rank by way of forgoing the promotion.

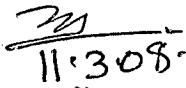
Call this matter on 25.01.2008.


(Khushiram)
Member (A)


(M. R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

nkm


11.3.08

12.03.2008 Call this matter on 24.04.2008 for hearing before Division Bench; when the Respondents should cause production of the DPC records etc. as specified in M.P.126/2007 through the learned Addl. Standing counsel.

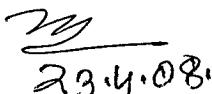
Send copies of this order along with copies of the M.P.126/2007 to the Respondents and free copy of this order be also supplied Mr G.Baishya, learned Sr. Standing counsel for needful action.

Mr M.Chanda, learned counsel for the Applicant undertakes to file extra copies of the M.P.126/2007 during the course of the day.


(M. R. Mohanty)
Vice-Chairman

pg

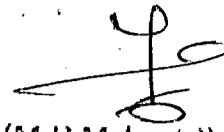
The case is ready
for hearing.


23.4.08

CA. 32/06

24.4.2008

Call this matter on 10.06.2008.


(M.R. Mohanty)
Vice-Chairman

lm

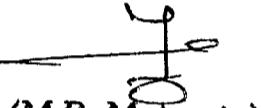
10.06.2008 Heard (alongwith O.A.No.312/2008)

Mr M. Chanda, learned Counsel appearing for the Applicant and Ms U. Das, learned Counsel appearing for the Respondents and perused the materials placed on record.

*Received ext
M.R.
23/6/08*

Hearing concluded. Orders reserved.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

lm - nkm

19.06.2008

Judgment pronounced in open Court.

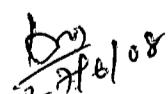
Kept in separate sheets. Application is dismissed. No costs.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

27.6.08

Ms. U. Das, Adv.
filed an application
praying to show her
name in the ~~the~~ judgment &
order of 19.6.08 placed
in 'C' file.


D.M.
27/6/08

17.7.08

Copy of the judgment
sent to the office for
issuing the same to
the parties along with
the copy to the L/H Das
for the Respondent.

ll

30.06.08

O.A.32/06 & O.A.312/06 were taken up for hearing on 10.06.2008.

We had the occasion to hear Mr M.Chanda, learned counsel appearing for the Applicants and Mrs M.Das, learned Addl. Standing counsel for the Respondents in O.A.312/06 and Miss U.Das, learned Counsel for the Respondents in O.A.32/06. In fact in the order sheet dated 10.06.2008 rendered in O.A.32/06 this aspect was clearly noted. The text of the order

^{dated 10.06.2008}
passed in O.A.32/06 is extracted below—

“Heard (alongwith O.A. No.312 of 2008) Mr M.Chanda, learned counsel appearing for the Applicant and Ms U.Das, learned Counsel appearing for the Respondents and perused the materials placed on record.....”

In the common order dated 19.06.2008 (rendered in O.A.32/06 and 312/06) it was inadvertently omitted to record the name of Ms U.Das, learned counsel for the Respondents in O.A.32/06.

In the aforesaid premises, name of Ms U.Das, is directed to be recorded in the common order dated 19.06.2008 rendered in O.A.32/06 & 312/06 as an Advocate present on behalf of the Respondents of O.A.32/06.

A copy of this order be sent to all the Respondents and free copy of this order be supplied to Ms U.Das for record.



(M.R. Mohanty)

V.C.

13

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos.32/2006 & 312/2006

DATE OF DECISION: 19.06.2008

Sri Jugal Baruah

.....Applicant/s

Mr. M. Chanda

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Others

.....Respondent/s

Mrs. M. Das, Addl. C. G. S. C.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

4. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No

5. Whether to be referred to the Reporter or not? Yes/No

6. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches? Yes/No

7. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Member (A)

M

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 32 of 2006
&

Original Application No.312 of 2006

Date of Order: This, the 19th Day of June, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Jugal Baruah
S/o Late Kula Chandra Baruah
Superintendent
Regional Office
Employees State Insurance Corporation
Bamunimaidan
Guwahati -781 021.

..... Applicant in both O.A.s.

By Advocates S/Shri M.Chanda, S.Nath, G.N.Chakraborty & U.Dutta.

- Versus -

1. Union of India represented through the
Secretary to the Government of India
Department of Labour and Employment
New Delhi-110 001.
2. The Director General
Employees State Insurance Corporation
Panchdeep Bhavan
C.I.G.Road
New Delhi - 110 002.
3. The Joint Director, E-I
Employees State Insurance Corporation
Panchdeep Bhavan
C.I.G.Road
New Delhi - 110 002.
4. The Regional Director
Employees State Insurance Corporation
Assam, Bamunimaidan



Guwahati - 781 021.

5. Shri Pradip Sutradhar
Asstt. Director (Adhoc)
Employees State Insurance Corporation
Assam, Bamunimaidan
Guwahati - 781 021.
6. Union Public Service Commission
Represented by it's Secretary
Dholpur House, Shahjahan Road
New Delhi- 110 011.

..... Respondents in O.A.32/2006.

By Ms.U.Das, Advocate for the Respondents

1. Union of India represented through the
Secretary to the Government of India
Department of Labour and Employment
New Delhi-110 001.
2. The Director General
Employees State Insurance Corporation
Panchdeep Bhavan
C.I.G.Road
New Delhi - 110 002.
3. The Joint Director, E-I
Employees State Insurance Corporation
Panchdeep Bhavan
C.I.G.Road
New Delhi - 110 002.
4. The Regional Director
Employees State Insurance Corporation
Assam, Bamunimaidan
Guwahati - 781 021.
5. Shri R.Natarajan
The Joint Director, E-I
Employees State Insurance Corporation
Panchdeep Bhawan
C.I.G. Road
New Delhi - 110 002.

..... Respondents in O.A.312/2006

Mrs. Manjula Das, Addl. C.G.S.C.

O R D E R
19.06.2008

KHUSHIRAM, MEMBER (A):

Since both the cases are interconnected and relates to the same Applicant, both the cases were taken up together and are being disposed of by this common order.

2. The brief facts of both the cases are as under:

The Applicant is presently working as Superintendent in the Regional Office of the Employees State Insurance Corporation at Bamunimaidan in Guwahati/Assam. According to the Applicant, Respondents (vide impugned Office Order No.614 of 2003 under Annexure-III of O.A.32/2006 promoted the Applicant (and others), on ad-hoc basis, to the post of Assistant Director/Section Officer/Manager Gr.-I and posted him to West Bengal but the Applicant did not avail of such ad-hoc promotion on the plea that arbitrary conditions were imposed in the said promotion order to the effect that 'the ad-hoc promotion shall not confer any right on the employee either to continue in the post or for regular promotion in future and that the period of ad-hoc service will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher grade' and also due to his domestic problems. By another Office Order No.500 of 2005 dated 19.10.2005 (Annexure-IV of



O.A.32/2006) as many as 170 officers (including the Applicant) were promoted 'on ad-hoc basis' with the similar terms and conditions and Applicant did not avail of the said promotion, again, due to the arbitrary conditions and his domestic problems. The Applicant claimed that Respondents, instead of holding regular DPC for filling up large number of available vacancies in the grade of Manager Gr.I/Section Officer/Asstt. Director, by promoting eligible incumbents like the Applicant, issued ad-hoc promotion orders by imposing arbitrary conditions and continued such ad-hoc promotees in the promotional post beyond one year. Being aggrieved with the aforesaid action of the Respondents, Applicant filed O.A. No.32 of 2006 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following main reliefs:-

“8.1 That the Hon’ble Tribunal be pleased to set aside and quash the impugned office order No.614 of 2003, bearing No.A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure-III) as well as office order No.500 of 2005, bearing letter No.A33/12/1/97-E.I Col.II dated 19.10.2005 (Annexure-IV)

8.2 That the Hon’ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from



the date of occurring of the vacancies in the grade of Asstt. Director/Manager Gr.I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits."

On 12.09.2006, Applicant submitted a representation (Annexure-2 in O.A.312/2006) before the Respondents praying for consideration of his posting on promotion, against the vacant post of Asstt. Director which fell vacant at Guwahati.

This Tribunal, by an order dated 22.09.2006 (Annexure-3 in O.A.312/2006) passed in M.P. No.103/2006 (in O.A.32/2006) directed the Respondents to dispose of the aforesaid representation of the Applicant by passing appropriate orders thereon.

Pursuant to the above said direction of this Tribunal, the Respondent No.5 (by its communication dated 19.10.2006 under Annexure-4 in O.A.312/2006) informed the Respondent No.4 that representation of the Applicant shall be considered along with others.

On 15.12.2006, the Respondents vide its Office Order No.137 of 2006 issued vide Memo No.A-33(13)1/2003-E.I dated 15.12.2006 (Annexure-5 in O.A. 312/2006) promoted 185 officers (including the Applicant) on regular basis to the cadre of Asstt. Director/Manager Gr.I/Section Officer.



The grievance of the Applicant is that the order of promotion has been given prospective effect without preparing yearwise panel and without giving antedated promotion from the date of occurrence of the vacancy as required under the Rules. Another contention of the Applicant is that, out of 185 officers, all the promoted officers have been accommodated in their home states/stations but the Applicant has been singled out and posted outside Assam/in West Bengal. He stated that his juniors have been given ad-hoc promotions and the benefits of promotion w.e.f. 08.11.2006; but the Applicant has been ordered to avail of the benefit of promotion from the date of his assuming the charge of the promotional post/prospectively; which involves promotion (with transfer to West Bengal) vide order dated 15.12.2006. Applicant alleged that he has been transferred out deliberately for filing the case before this Tribunal and aggrieved by the aforesaid action of the Applicant, the Respondents have issued the malafide order to harass him.

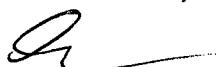
Applicant has, finally, filed O.A. No.312/2006 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following main relief:-

“8.1. That the Hon’ble Tribunal be pleased to direct the respondents to modify the impugned order No.137 of 2006 bearing letter No.A-



33(13)1/2003-E.I dated 15.12.2006 (Annexure-5) so far the applicant is concerned, by posting the applicant at Guwahati in the vacant post of Asstt. Director in the Regional Office at Guwahati."

3. Respondents have filed written statements in both the cases, contesting the claims of the Applicant. In both the written statements it was stated that since his joining (as LDC) on 01.02.1979, Applicant has been working in Assam; through out his service career spanning over 27 years; except for a brief period of 3 years (from 15.05.1990 to 16.08.1993) when he was posted in West Bengal as Insurance Inspector. In the written statement (filed in O.A.32/2006) Respondents stated that order dated 26.09.2003 promoting 220 persons to the cadre of Asstt. Directors were issued consequent to the upgradation of 213 posts in the month of June, 2003 and the conditions imposed in the said order regarding seniority etc. were as per the DOP&T O.M. No.31/6/90-EO(MM) dated 25.01.1990. The post of Asstt. Director carries all India transfer liability and it is essential to post the promotees through out India depending upon the availability of vacancies. The Applicant was also given ad-hoc promotion in 2003 and 2005 but he had declined the promotion only on domestic reasons. The reasons put forward by the Applicant in paragraph 4.7 of O.A.32/2006 for declining promotion that, "the promotion order is conditional and arbitrary since there is a



specific declaration that the ad-hoc appointee/promotee shall not be entitled to seniority benefit and the adhoc promotion may be terminated at any point of time without assigning any reason, so under such a threat normally senior employees like the applicant, may not be inclined to avail the ad-hoc promotion and more so on the ground that when such ad-hoc promotion involved transfer and posting from one State to another State" is only an after thought for the reason that he did not avail of the promotions in 2003 and 2005 citing domestic problems only. He did not state this reason in his earlier representations. In a similar matter the Principal Bench of this Tribunal vide judgment dated 14.11.2006 passed in O.A.1594/2006 (Appendix A to written statement in O.A.312/2006) dismissed the prayer of the Applicant therein to permit him to decline his promotion and to stay at the same station. The matter was carried before the High Court of Delhi by the Applicant therein in W.P(C) No.720/2007 & CM 1339/2007 and the Hon'ble High Court of Delhi dismissed the same vide order dated 29.01.2007 and observed as under:-

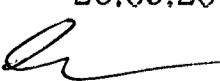
"The Tribunal dismissed the application filed by the petitioner and in our view, rightly, as it has noticed that all the persons who sought to stall the transfer by declining promotion were dealt with similarly by declining such a request as a matter of policy."



In another case bearing O.A.No.555/2006 (A.C.Roy & Others. Vs. Union of India & Others) the Calcutta Bench of this Tribunal has held as under:-

“The Applicants have no right to refuse promotion. Promotion is not given merely for the benefit of the employees concerned; it is also in the interest of the administration. On account of experience and proficiency of an employee, he is judged suitable for promotion and posted at a higher post. This posting is in the interest of the administration and no government employee can refuse to carry out this order.”

The Applicant till filing of written statement in O.A.312/2006 has not complied with three consecutive promotion (on transfer) orders issued on 26.09.2003, 19.10.2005 and 15.12.2006. It has also been pointed out that one Shri Kikumba Longchar who is working as Asstt. Director in West Bengal from 26.11.2003, is due for being posted in his home state i.e., Assam as he has already completed more than 3 years outside his home state. Therefore, implicitly any vacancy that has arisen or is due to arise will firstly be given to him. On the contrary, Applicant has been continuously working in Assam for more than 13 years and, therefore, he cannot be adjusted against any vacancy overlooking the case of Shri Kikumba Longchar. While the Applicant was first promoted on ad-hoc basis vide order dated 26.09.2003, he submitted a representation dated 08.10.2003



(Appendix E to written statement in O.A.312/2006) declining promotion stating that, (i) his elder son was doing B.Sc Part I, (ii) his youngest son was doing X standard, (iii) his mother was 87 years old and is ailing and (iv) he himself was suffering from spondylitis. Again when he was promoted on 19.10.2005 for the second time, he submitted representation on 26.10.2005 (Appendix F to written statement in O.A.312/2006) declining promotion stating that, (i) his son was doing XII standard, (ii) his mother was 86 years old, and (iii) his wife was physically unsound and therefore, he sought his posting at Guwahati. Respondents stated that, "*Applicant is a habitual shirker of responsibility. He is always citing domestic reasons to avoid the responsibility of working outside his present region even on promotion.*" The Hon'ble High Court of Delhi in its judgment dated 26.04.2006 rendered in the case of ESI Corporation vs. R.C.Gupta has observed that, "*if a transfer is allowed to be stalled on such specious pleas it will totally destroy the administrative efficacy of any establishment.*" The Applicant in the instant case has been transferred to the nearest neighbouring region. The Administration had to fill up the large number of vacancies existing in West Bengal, Mumbai and other regions in the cadre of officers Group 'B'. There is no rule which confers any right on a government servant to stay in a particular place for a particular period. Who should be transferred where is a matter for the appropriate authority to decide and a Govt.



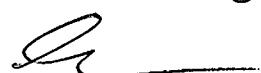
servant has no vested right to remain in one particular place or other and he is liable to be transferred from one place to other depending upon the exigencies and requirements of public service.

4. We have heard Mr. M.Chanda, learned counsel appearing for the Respondents Ms.U.Das, Advocate for the Respondents for the Applicant and Mrs.M.Das, learned Addl. Standing Counsel for Respondent Department. Learned counsel appearing for the Applicant argued that Applicant was willing to accept promotion as Assistant Director if the same had been made on regular basis. The Applicant should be given promotion with effect from the date of occurrence of the vacancy by assigning due seniority and preparation of yearwise promotion list. Learned counsel for the Applicant has relied on Section 17(3) of the Employees State Insurance Act, 1948 which is reproduced herein below:-

“(3) 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.

[Provided further that any such offering or temporary appointment shall not confer any claim for regular appointment and the services rendered in

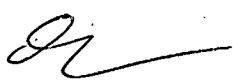


that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade.]"

Therefore, learned counsel for the Applicant contended that the order for ad- hoc promotion could not continue beyond the period of one year. Learned counsel for the Applicant argued that since the Applicant has approached this Tribunal, Respondents are bent upon to teach him a lesson, and therefore, in spite of a vacancy available in Assam, he has been posted to West Bengal.

Learned Addl. Standing counsel for the Respondents, Mrs.M.Das, on the other hand, argued that Applicant has always been looking for excuses to avoid compliance of promotion on transfer. She also argued that promotion is made not only for the benefit of the individual but more so in the interest of public service. Since the Applicant has been avoiding promotional transfer orders under one pretext or the other, he has no right to claim seniority or to antedate his promotion. She also stated that the Applicant has spent more than 26 years of his career in Assam, and therefore, his prayers for posting in Assam cannot be acceded to.

5. We have considered the rival submissions advanced by the learned counsel for both the parties and perused the materials placed on record. Learned counsel for the Applicant, in support of his contentions, has, amongst others, relied the following decisions:-



- i. 1993 Supp (2) SCC 506 in K.K.M. Nair & Others vs. Union of India & Others;
- ii. (1999) 1 SCC 189 in Yadavindra Public School Association;
- iii. 1999(3) SCC 696 in Virender S.Hooda & Others vs. State of Haryana & Another;
- iv. (1995) 31 ATC 246 in Joitabhai Prabhudas Patel vs. Union of India & Another;

In the first case, referred by the learned counsel for the Applicant, it has been reported that by dismissing the SLP, the Supreme Court had not given any reasoned judgment/order approving the judgment of the High Court. ... and those challenging the promotion order were not parties to the proceedings before the High Court which ended by the dismissal of the special leave petitions by the Supreme Court. The facts and circumstances of the cited case is totally different from the instant case and hence the dictum laid down therein is not applicable in the present cases. In the second cited case (1999) 1 SCC 189 it was held that when serious allegation of malafides has been raised in the writ petition, it was not appropriate for the High Court to dismiss the writ petition in limine and without notice and when allegation of malafide was raised against the person impleaded as Respondent, it was appropriate to offer an opportunity to the person concerned to file an affidavit and then to decide the matter on matters and hence, the Apex Court set aside the order of High Court. The cited case is not relevant with the cases in hand; as given the long innings of over



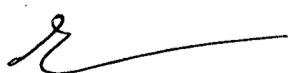
27 years of the Applicant in Assam this allegation does not hold any water. The third cited case, 1999(3) SCC 696 is not at all relevant with the present cases; as the cited case relates to appointment from the waiting list against vacancies which could not be filled up. In the fourth cited case, (1995) 31 ATC 246, CAT/Ahmedabad Bench held that transfer in mid-academic term before end of normal tenure to a mofussil town from capital city (on complaints received without even minimal verification of the truth of the allegations) was partly in the nature of penal order and this Tribunal set aside the impugned order of transfer with liberty to the Respondents to pass fresh transfer order, if found necessary, in accordance with law. This case also has no relevance with the present cases; as the Applicant herein transferred on promotion and he had refused promotional transfer orders on earlier two occasions for his personal problems.

6. In the written statement filed by the Respondents in O.A.312/2006, the Respondents have also relied on certain decisions. They have relied on the dictum laid down by the Hon'ble Supreme Court in the case of *Mrs. Silpi Bose and Others vs. State of Bihar & others* (reported in AIR 1991 SC 532) wherein it was held that, "*A Govt. servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the Competent Authority do not violate any of his legal rights. Even if a transfer*

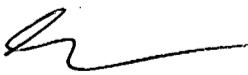
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order is passed in violation of executive instructions or orders, the Courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. If the courts continue to interfere with day to day transfer orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration, which would not be conducive to public interest." In another case (Union of India & Others vs. S.L.Abbas, reported in AIR 1993 SC 2444) the Hon'ble Supreme Court held that who should be transferred where, is a matter for the appropriate authority to decide and that, unless the order of transfer is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

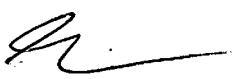
7. Admittedly, the Applicant has been serving continuously in Assam for more than 13 years by now and in total of more than 27 years of his service career, except for 3 years' posting in West Bengal, he remained only in Assam. The long innings that the Applicant had spent in Assam had not been disputed by the learned counsel for the Applicant. The Applicant has refused earlier promotions and transfers on 26.09.2003 and 19.10.2005 under the pretext of his domestic compulsions. In his representation dated 08.10.2003 Applicant stated that his mother of 87 years old is ailing; whereas after two years i.e., on 26.10.2005, in his representation his mother's age was shown as 86 years; which only makes out a case



that the Applicant had been inventing excuses for not complying with the order for transfer on promotion. The claim made by the Applicant in paragraph 4.7 of O.A.32/2006 that he did not avail of the ad-hoc promotion order dated 26.09.2003 in view of the fact that the promotion order was conditional, arbitrary with specific declaration that the ad-hoc appointee/promotee shall not be entitled to seniority benefit and the ad-hoc promotion may be terminated at any point of time without assigning any reason appears to be an after thought and technical in nature which also does not confer any right on the Applicant to refuge promotion as it is the requirement of public service not the convenience of the Applicant. Moreover, Section 17(3) of the ESI Act, 1948, extracted above in paragraph 4, also does not render such ad-hoc transfer beyond a period of one year illegal as the service rendered in that capacity will be counted neither for seniority in the grade nor for eligibility for promotion to the next higher grade. In such a case, the ad-hoc promotion issued earlier for a period exceeding one year (by a few days) by the Respondents are in conformity with these Rules and does not suffer from vice of illegality. If it was really the reason for not complying with the promotional transfer orders, Applicant should have stated so in his earlier representations, but he cited domestic and personal reasons for non compliance.



8. In the light of forgoing discussion, we are of the considered view that both the cases have been filed by the Applicant with a view to continue at the same place of posting and also to avail benefit of the promotion order. Since govt. servant does not have any legal right to remain at a particular place of posting of his choice as long as he wants, the order passed by the Respondents cannot be faulted with. Promotion in the public interest and transfer for exigencies of service, cannot be refused as a matter of right. Hon'ble Supreme Court in the case of S.C.Saxena vs. Union of India & Others (reported in 2006 (9) SCC 586) has already held that, *"a government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed."* No malafide could be made out in the order of the transfer on promotion. Respondents only had the exigencies and interest of public service in mind while issuing the promotion cum transfer order and Applicant cannot choose the place of posting to his convenience. The dictums of the Supreme Court, relied on by the Respondents in their written statement and S.C.Saxena's case (supra) also supports the case of Respondents.



9. Resultantly, these two cases, filed by the same Applicant are found to be devoid of any merits and therefore, are dismissed. Interim orders ~~if any~~ stands vacated. There shall, be no order as to costs.

Khushiram
(KHUSHIRAM)
MEMBER (A)

Manoranjan
S 19/06/08
(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

NOTICE

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From

U. Dutta
Advocate

To

Smt. Usha Das
Addl. C. G. S. C

Dear, Please find herewith a copy of the misc. petition in O.A. NO. 32/2006, Ingal Barnah -vs- Union of India & ors. which is being filed today. Kindly acknowledge the receipt of the same.

Received

Usha Das
28/11/07
(Usha Das)

Thanking you

Dutta
(U. Dutta)

Central Administrative Tribunal
10 MAY 2006
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

O. A. No. 32 /2006

Shri Jugal Baruah.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

1990- Applicant was initially appointed as Insurance Inspector in the department of ESI Corporation.

26.09.2003- Impugned office order No. 614 of 2003 was issued by the respondent Corporation, whereby 220 posts in the cadre of Asstt. Director/Section Officer/Manager Gr- I has been filled up on ad hoc basis imposing an arbitrary condition that the ad hoc promotion shall not confer any right on the employee either to continue in the post or for regular promotion in future. In the said order it is also made clear that the period of ad hoc service will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher cadre. Applicant was placed at Sl. No. 28 of the said order, but the applicant did not avail of ad hoc promotion due to the conditions imposed in the said ad hoc promotion order as well as due to his domestic problems.

(Annexure- III)

19.10.2005- Impugned order No. 500 of 2005 of adhoc promotion has been passed by the respondent Corporation, whereby applicant is promoted to the post of Manager Gr. I/Section Officer/Asstt. Director on adhoc basis with the specific condition that in the event of availing adhoc promotion seniority benefit in the promotional grade shall not be conferred. Name of the applicant is placed at Sl. No. 6 of the said impugned order, applicant did not avail of ad hoc promotion order due to the arbitrary conditions as well as due to his domestic problems.

(Annexure- IV)

It is stated that respondent Corporation inspite of availability of large numbers of vacant posts in the grade of Manager Gr. I/Section Officer/Asstt. Director did not hold the regular DPC for filling up those large numbers of vacant posts by promoting eligible incumbents like the present applicant and issued orders of ad hoc promotion imposing arbitrary conditions.

44 28

Such action of the respondent Corporation is in violation of Govt. of India's instructions issued from time to time. (Annexure-VI)

It is also stated that those incumbents who were promoted on ad hoc basis vide order dated 26.09.2003 are still continuing in the promotional posts on ad hoc basis for more than 2 year, such action of the respondent Corporation is in violation of provisions laid down in sub-sec (3) of Section 17 of the ESIC Act 1948.

(Annexure- II)

03.01.2006- Applicant has attained eligibility for promotion to the grade of Manager Gr. I/Section Officer/Asstt. Director way back in the year 1993, but the respondent Corporation inspite of holding regular DPC for promotion of the applicant issued the impugned order dated 26.09.2003 as well as impugned order dated 19.10.2005. He submitted representation addressed to the Respondent No. 2. In the said representation applicant interalia stated that he is willing to accept the promotion to the post Asstt. Director if the same is made on regular basis. (Annexure-VII)

Hence this application.

P R A Y E R S

Relief (s) sought for:

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
2. That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Asstt. Director/Manager Cr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

Title of the case : O.A. No. 32 /2006

Shri Jugal Baruah. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

Date: -

Advocate

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*Filed by the applicant
through:
S. Nakk.
Advocate
10.05.2006*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

In O.A. No. 32 /2006

BETWEEN:

Shri Jugal Baruah,
S/o- Late Kula Chandra Baruah,
Superintendent,
Regional Office,
Employees State Insurance Corporation,
Bamunimaidan,
Guwahati- 781021.

Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi- 110001.
2. The Director General,
Employees State Insurance Corporation
Panchdeep Bhawan,
C.I.G. Road,
New Delhi- 110002.
3. The Joint Director, E-I,
Employees State Insurance Corporation,
Panchdeep Bhawan,
C.I.G. Road,
New Delhi- 110002.
4. The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.
5. Shri Pradip Sutradhar,
Asstt. Director (Adhoc).

O/o- The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.

6. Union Public Service Commission,
Represented by it's Secretary,
Dholpur House, Shahjahan Road,
New Delhi- 110011,

7. Employees State Insurance Corporation
Represented by Director General,
Panchodeep Bhawan ESSC,
Panchodeep Bhawan,
C.I.G. Road, New Delhi-110002.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the order of ad-hoc promotion granted vide office order dated 26.09.2003 (Annexure- III), which has been allowed to continue beyond one year in violation of the provision laid down in sub section 3 of section 17 of the Employees State Insurance Act, 1948 and also for non holding of DPC since 2001 inspite of availability of large nos. of vacancy in the cadre of Assistant Director/Section Officer/ Manager Grade-I in the scale of Rs. 6,500- 10,500/- and also against the ad-hoc promotion order dated 19.10.2005 (Annexure- IV) and also praying for a direction upon the respondents to prepare year wise panel by holding DPC with immediate effect and to grant promotional benefit to the cadre of Assistant Director/Section Officer/ Manager Grade-I with all consequential service benefit including arrear monetary benefit, seniority at least from the date of vacancy.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

3

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicant was initially appointed in the department of Employees State Insurance Corporation in the year 1990 as Insurance Inspector and he was posted at Regional Office at Calcutta, however after serving for a period of about 3 years the applicant was transferred and posted at Dhubri in the State of Assam, thereafter he was again posted to Chandrapur ESIC local office in the same capacity as Manager Gr. II and subsequently the applicant was again transferred to Regional Office, Guwahati as Insurance Inspector and at present he is working as Superintendent at Regional Office, Guwahati in the department of Employees State Insurance Corporation (for short ESIC). Be it stated that in the department of ESIC Inspector/Superintendent/Manager Gr. II are of the same grade, with the same scale of pay.
- 4.3 That it stated that as per recruitment rule the next avenue of promotion of the applicant is in the cadre of Assistant Director/Section Officer/Manager Grade-I in the scale of pay of Rs. 6,500-10,500/- as per rule, after serving for a period of 3 years in the cadre of Superintendent on regular basis, an employee is entitled to be considered for promotion to the cadre of Assistant Director/Section Officer/ manager Grade-I subject to availability of vacancy. In other words an employee fall within the zone of consideration for promotion on completion of 3 years of service in the feeder cadre on regular basis in the cadre of Assistant Director/Section

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Officer/manager Grade-I in the Department of State Insurance Corporation.

- 4.4 That your applicant after his appointment to the cadre of Inspector/Superintendent, he was never considered for promotion on regular basis in the next higher post of Assistant Director/ Section Officer/ manager Grade-I in spite of having large numbers of regular vacancies since 2000-2001 in the promotional cadre as such the applicant is stagnating in the same post of Inspector/Superintendent. However, in terms of the Govt. of India's O.M dated 09.08.1999, the applicant was granted 1st financial upgradation in the year 2002 on completion of 12 years of regular service in the cadre of Inspector/Superintendent.
- 4.5 That it is stated that a large numbers of vacancies in as much as 220 regular vacancies in the cadre of Assistant Director/ Section Officer/Manager Grade-I fall vacant since 2000-2001, but no effort is made on the part of the respondent corporation to hold the regular DPC for considering promotion of the applicant as well as other similarly situated employees, and denied regular promotion to the applicant since 2001-2002 when large nos. vacancies are available in the promotional cadre is a deliberate act and willful omission on the part of the respondents. As a result of non holding of DPC, the applicant and other similarly situated employees has been suffering in the matter of promotion as well as in the matter of further promotional prospects, which in fact is causing irreparable loss and injury to the service prospects of the applicant.
- 4.6 That it is stated that vide impugned office order No. 614 of 2003 issued under letter No. A-222/13/1/2003-E.1 (A) dated 26.09.2003, whereby in as much as 220 posts in the cadre of Assistant Director/Section officer/Manager Grade-I has been filled up on ad- hoc basis in the scale of Rs. 6,500-10,500/- imposing an arbitrary condition that the ad-hoc promotion shall not confer any right on the employees either to continue in

the post or for regular promotion in future. It is also made clear in the impugned promotion order that the period of adhoc service likely to be rendered by the employees on ad hoc basis in the grade/cadre will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher grade/cadre and ad hoc promotees may be reverted to their lower post without any notice or assigning any reason thereof, and as a result of such ad hoc promotion firstly the possibility of holding DPC for regular promotion is blocked. On the other hand for implementation of the impugned order of ad-hoc promotion a large scale transfer and posting has been ordered by the competent authority through out the country, which cost huge Govt. expenditure from the Government exchequer, on the other hand, the arbitrary conditions has been imposed in the order of ad-hoc promotion such as threat of reversion to the lower post without any notice, and also arbitrary denial of seniority benefit for the period of ad-hoc service likely to be rendered by the ad-hoc appointee/promote. When ad-hoc promotions are effected against the substantive vacancies the order of large scale ad-hoc promotion is oppose to public policy/Govt. policy. By the impugned order dated 26/09/2003, 220 posts of Assistant Director/Section Officer/manager Grade-I has been promoted in the month of September' 2003 and those offices who have availed such ad-hoc promotion are still continuing on ad-hoc basis without any break. As for example Sri Pradip Sutradhar, Respondent No. 5, who is junior to the applicant, is placed at Sl. No 126 in the ad hoc promotion order dated 26.09.2003, who is still continuing on promotion on ad hoc basis pursuant to the order dated 26.09.2003. In this connection it may be stated that said Sri Pradip Sutradhar initially posted in the State of West Bengal pursuant to the ad-hoc promotion order dated 26.09.2003. However, vide office order No. 80 of 2005, issued under letter No. 41. A.20/11/14/2003 Estt-I dated 14.10.2005, he was transferred and posted at Guwahati following the Head quarter office order No. 296 of 2005 issued under communication No. A-22913) 1/2004 F-1 dated 27.06.2005 in the same capacity as ad-hoc Manager

Grade-I. Therefore it appears that the respondents Corporation are interested to utilize the services of their employees by way of granting ad-hoc promotion for years together in a most arbitrary manner without conferring the benefit of seniority as well as without holding DPC for effecting regular promotion.

It is relevant to mention here that in the impugned promotion order dated 26.09.2003 the name of the present applicant is also figured at Sl. No. 28, but the applicant did not avail of ad-hoc promotion firstly on the ground that the said benefit of ad-hoc promotion may be terminated at any time without issuing any notice, secondly there is a specific condition that seniority benefit shall not be conferred in the event of availing ad-hoc promotion, thirdly, on the ground that service likely to be rendered on ad-hoc period shall not be counted towards regular promotion or for eligibility for future promotion. Moreover such ad-hoc promotion involves transfer and posting from one State to another State during the middle of the academic session since my son was reading at Class X during the month of September 2003 and that was a mid academic session, moreover, the order of ad-hoc promotion dated 26.09.2003 has been issued imposing arbitrary conditions denying benefit of seniority as well as the same is issued with the threat of termination of ad hoc promotion at any time without assigning any reason and also issued in violation of local arrangement policy which is normally made in the event of effecting ad hoc promotion for a temporary period. It appears from the arbitrary action of the respondents that they have resorted to ad hoc promotion policy with the sole intention to spoil the service prospect of the employees including the applicant serving in the corporation. There is no initiation on the part of the respondent to hold the regular DPC for filing up of large scale vacancies on regular basis and pursuant to the impugned promotion order dated 26.09.2003, those ad-hoc appointees/promotes are still continuing in the promotional post even after a lapse of more than 2 (two) years. In violation of sub-section 3 of Section 17 of the Employees State Insurance Act, 1948, wherein it has been stated that

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any officiating or temporary appointment shall not exceed 1 year, the relevant portion of section 17 of the E.S.I.C Act, 1948 is quoted below for perusal of the Hon'ble Court.

"17. Staff.- (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government].

(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of the members of the staff under clause (a). The Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the corporation shall refer the matter to the Central Government whose decision thereon shall be final.]

(3) 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.

[Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade].

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]'

Be it stated that the posts of Assistant Director/Section Officer/Manager Grade-I fall within Group 'B' category. It is also relevant to mention here that the post of assistant Regional Director subsequently re-designated as assistant Director. It is ought to be mention here that the post of Insurance Inspector/Manager Grade-II/ Superintendent having equivalent rank and status with same scale of pay and the promotional avenue from the aforesaid post are same and interchangeable i.e. in the cadre of Assistant Director/Manager Grade-I/Section Officer/Deputy Accounts officer. The promotion of the applicant in the next higher grade is governed by the Employees State Insurance Corporation (Assistant Regional Director/Manager Grade-I/Section Officer/Deputy accounts officer recruitment regulation 1996), wherein 3 years regular service has been prescribed for promotion from the cadre of Insurance Inspector/Manager Grade-II/Superintendent to the cadre of Assistant Regional Director/Manager Grade-I/Section officer/Deputy Accounts Officer.

(Copy of the recruitment regulation 1996 and extract of section 17 of the E.S.I.C Act 1948 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I and II respectively).

4.7 That it is stated that many of the officers working in the corporation did not avail ad-hoc promotion offered vide office order dated 26.09.2003, in view of the fact that the promotion order is conditional and arbitrary since there is a specific declaration that the ad hoc appointee/promotee shall not be entitled to seniority benefit and the adhoc promotion may be terminated at any point of time without assigning any reason, so under such a threat normally senior employees like the applicant may not be inclined to avail the ad-hoc promotion and more so on the ground that when such ad-hoc promotion is involved transfer and positing from one State to another State.

Copy of the impugned order dated 26.09.2003 is enclosed as
Annexure- III.

4.8 That it is stated that impugned order dated 26.09.2003, whereby large numbers of vacancies nearly 220 promotional posts which fall vacant since 2000/2001 have been filled up on ad-hoc basis denying regular promotion benefits to the eligible employees of Corporation including the present applicant. The present applicant is highly aggrieved for non-conducting of regular DPC for consideration of promotion of the applicant to the grade of Assistant Director/Section Officer/Manager Grade-I inspite of availability of large number of vacancies since 2000-2001. The applicant is further aggrieved due to continuation of the ad-hoc promotion of employees/promotes, who have availed promotion vide office order dated 26.09.2003 since continuation of the ad-hoc promotion beyond 1 year without approval of the UPSC is contrary to the provision laid down in Sub- Sec (3) of Sec 17 of the ESIC Act 1948 and on that score alone the impugned office order dated 26.09.2003 is liable to be set aside and quashed.

4.9 That it is stated that while the ad-hoc appointees/promotes are working on ad-hoc basis beyond 2 years in violation of Sub Sec (3) of Sec 17, where permissible limit for ad-hoc promotion is 1 year but those ad-hoc appointees are still continuing and surprisingly in the meanwhile another impugned ad-hoc promotion order has been issued vide office order No. 500 of 2005 bearing letter No. A 33/12/1/97-E.I col II dated 19.10.2005, whereby as many as 170 officers including the applicant have been promoted again on ad-hoc basis with similar arbitrary terms and conditions such as there will be no seniority benefit in the event of availing ad-hoc promotion and the ad-hoc service shall not be counted towards future promotion and also with the condition that the ad-hoc promotion may be terminated at any point of time without assigning any reason or show cause and the said ad-hoc promotion also involves transfer and posting from one State to another State with the aforesaid arbitrary condition. Whereas Govt. of India time to time issued instructions to all Govt. Departments, Corporations, Public Sector undertakings and Public Enterprises not to resort to ad-hoc appointment/promotion except in a exceptional or in an emergent situation in public interest but in the instant case there is deliberate violation of such instructions issued by the Govt. of India, wherein it has been stated that ad-hoc promotion must be limited to only 1 year and the same if necessary to be continued beyond 1 year DOPT permission must be obtained and approval of the appointment committee of the Cabinet must be obtained prior to the promotion being actually made. The relevant provisions for granting ad-hoc promotion laid down by the Govt. of India would be evident from Chapter 21 of the ad-hoc appointments/promotion from Swamy's Complete Manual on Establishment and Administration (9th Edition). However, in the instant case none of the instructions followed by the Corporation, which is functioning under Ministry of Labour, Govt. of India and on that score alone the impugned office order dated 26.09.2003 as well as impugned order dated 19.10.2005 are liable to be set aside and quashed.

(Copy of the impugned order dated 19.10.2005 and Govt. of India's instruction on ad-hoc appointments/promotions (Page 222-225) are enclosed as Annexure-IV and V respectively).

4.10 That it is stated that as per Govt. of India's instruction the DPC should be conveyed at regular intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. A vacancy shall be filled in accordance with recruitment rule in force on the date of vacancy. The requirement of convening annual meeting of DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled up by promotion or no officers are due for confirmation during the year in question. But surprisingly none of the instructions has been followed in the instant case of the applicant by the respondent Corporation and there is a deliberate and willful violation of the Govt. Rules or instructions by a Corporation like ESIC and on that ground alone the order of adhoc promotions issued under the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.11 That it is relevant to mention here that since another recent order of ad hoc promotion has been issued, therefore, the respondent Corporation will not take any further initiative for holding regular DPC for promotion of the applicant to the cadre of Asstt. Director/Manager Gr. 1/Section Officer in the pay scale of Rs. 6,500-10,500/-. It is ought to be mentioned here that due to denial of regular promotion the present applicant is incurring huge financial loss in each and every month and further promotion and service prospect and as such it is a continuous wrong and on that score alone the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.12 That it would be evident from the Chapter 54 of the Swamy's Complete Manual on Establishment and Administration for Central Government

Offices (9th Edition) where necessary instructions have been given by the Govt. of India from time to time regarding holding of DPC with regular interval, in order to provide regular promotion to the eligible employees in time.

Extract of instructions issued by the Govt. of India regarding promotion of employees (Page 831 from Swamy's Manual on Establishment and Administration) is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.13 That it is stated that applicant has attained eligibility for promotion to the grade of Asstt. Director/Manager Gr. I/Section Officer way back in the year 1993 but after a lapse of 12 years the applicant has not been considered for promotion on regular basis inspite of availability of large numbers of vacancies due to non-holding of DPC as such prospect of promotion of the applicant in the next higher grade is also adversely effected. In such a compelling circumstances the applicant submitted a representation on 03.01.2006 addressed to the Director General, ESIC, New Delhi with the request to consider his case for regular promotion since large number of vacancies are available in the promotional grade of Asstt. Director/Manager Gr. I/Section Officer.

In the circumstances as stated above the applicant is approaching this Hon'ble Tribunal for a direction upon the respondents to consider the case of the applicant for promotion on regular basis to the grade of Asstt. Director/Manager Gr. I/Section Officer by holding DPC immediately and also be pleased to pass order directing the respondents to grant promotion at least from the date of availability or occurring vacancy in the promotional cadre with all consequential service benefits including seniority and arrear monetary benefits.

Copy of the representation dated 03.01.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VII

4.14 That the respondent No. 5 Shri P. Sutradhar has been impleaded as a private respondent in the instant Original Application since the applicant praying for setting aside of the adhoc promotion order dated 26.09.2003 as well as order dated 19.10.2005. Shri P. Sutradhar is impleaded as private respondent with the view of intention that he will represent other adhoc appointees/promotees who are likely to be effected in the event of setting aside of the impugned promotion order dated 26.09.2003 as well as impugned order dated 19.10.2005 and at the same time it is declared that the Original Application has been filed against the existing policy of adhoc promotion adopted by the respondent Corporation.

Copy of the order dated 14.10.2005 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VIII.

4.15 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, in terms of Sub Section (3) of the Section 17 of the ESIC Act 1948 specifically provided that the officiating or temporary promotion should not continue beyond 1 year.

5.2 For that, the adhoc appointees/promotees, promoted vide impugned order dated 26.09.2003 as well as dated 19.10.2005 are still continuing for more than 2 years in violation of Sub sec (3) Section 17 of the ESIC Act 1948.

5.3 For that, the respondent Corporation did not take any approval from UPSC for continuing the officiating/adhoc promotion beyond 1 year and the ESIC Act 1948 specifically declared a bar for allowing adhoc promotion beyond 1 year without approval of UPSC.

5.4 For that, it is mandatory on the part of the respondent Corporation to hold regular/frequent DPC for consideration of promotion of eligible Govt. employees who fall within the zone of consideration for filling up the existing and anticipatory vacancies.

5.5 For that, large numbers of regular vacancies fall vacant since 2000-2001 in the cadre of Asstt. Director/Manager Gr. I/Section Officer in the respondent Corporation but neither any effort is made nor any initiation is taken from the end of respondent Corporation to fill up the vacancies by promoting the eligible officers like the applicant in the higher post on regular basis.

5.6 For that, inspite of availability of large number of vacancies in the cadre of Asstt. Director/Manager Gr. I/Section Officer the respondent Corporation resorted to fill up the promotional post on adhoc basis with arbitrary terms and conditions which is contrary to the instructions issued by the Govt. of India from time to time.

5.7 For that, adhoc appointees/promotees who were appointed/promoted way back in 2003, pursuant to the Corporation's order dated 26.09.2003 are still continuing on adhoc promotion in violation of provision laid down in Sub sec (3) of Section 17 of the ESIC Act 1948.

5.8 For that the adhoc promotees are continuing beyond 2 years who were appointed pursuant to the order dated 26.09.2003 in violation of provisions of ESIC Act 1948.

5.9 For that Govt. of India repeatedly instructed all Central Govt. departments, Corporation, Govt. undertakings, Public Enterprises not to fill up the vacancies on adhoc basis except exceptional circumstance if exists and restricted such adhoc promotion/appointment limited to only 1 year.

5.10 For that as a result of non-holding of DPC, the service prospect of the applicant has been adversely effected as because he is loosing seniority, fixation benefit in the higher scale of pay and his promotion prospect for next higher post has also been suffered adversely.

5.11 For that the Govt. of India issued instructions to hold DPC on regular interval for consideration of promotion of eligible officers but the respondent Corporation deliberately violated the said instructions and resorted to adhoc promotion.

5.12 For that the applicant has attained eligibility for promotion in the grade of Asstt. Director/Manager Cr. I/Section Officer way back in the year 1993 but inspite of availability of vacancies since 2000-2001 the case of the applicant has not been considered for regular promotion by holding regular DPC deliberately in violation of Govt. instructions issued from time to time.

5.13 For that respondents Corporation again issued another promotion order vide officer order dated 19.10.2005 imposing arbitrary conditions of adhoc promotions denying seniority benefit in the event of availing adhoc promotion and also there is a threat of reversion in the lower post without issuing any notice.

5.14 For that juniors of the applicant are also being allowed on officiating/ adhoc promotion for more than 2 years without making any effort to hold regular DPC with the deliberate intention to deny regular promotion to the applicant.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. **Matters not previously filed or pending with any other Court.**

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them except O.A. No. 5/2006, now pending before this Hon'ble Tribunal.

8. **Relief (s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Asstt. Director/Manager Gr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

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9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

10.

11. Particulars of the I.P.O

- i) I.P.O No. :
- ii) Date of issue :
- iii) Issued from :
- iv) Payable at :

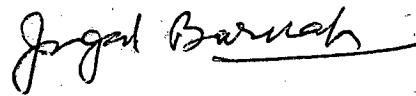
12. List of enclosures:

As given in the index.

VERIFICATION

I, Shri Jugal Baruah, S/o- Late Kula Chandra Baruah, aged about 50 years, working as Superintendent, in the Regional office, Employees State Insurance Corporation, Bamunimaidan, Guwahati- 21, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 8th day of May 2006.



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Annexure-I

REGISTERED No. 111-3300146

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गोपनीय अधिकारी का विवर The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० १] महि विविती, गतिवार, जनारद ४, १९९७ (पौष १४, १९१८)

No. 1] NEW DELHI, SATURDAY, JANUARY 4, 1997 (PUASA 14, 1918)

ਪਾਤ੍ਰ III ਖੱਡ 4
PART III—SECTION 4

[विविध अधिकूवताएं जिसमें प्राचीनिका विज्ञानों वाला था तो वही नहीं अधिकूवता एं, आदेश, विज्ञापन और नोटिस शामिल हैं ।]

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

भारतीय रिजर्व बँक

१८८ श्रीपातालिय

गरुड़ी और बैठ लेवा विमान

वर्षाई दिनांक 4 जनवरी 1987

गोपनीय गवर्नर के सत्रात्र में 20 अप्रैल 1916 को प्रतापिता नवा 29 अप्रैल 1951 से प्रधानमंत्री एवं एफ(8)70/बी/5 और भारत सरकार के दिनांक 21 फरवरी 1990 के प्राप्तिराग सत्रात्र सं० 67 के प्रत्यंत यथा गंगोलित सोहन चहा प्रधिनियम 1944 की वारा 28 के प्रत्यंत भारत सरकार द्वारा बनाये गये नियमों के लिया 18 के प्राप्तिराग में प्राप्तिराग 1949 को गणान्न गाह के लिये नियन्त्रित गूची वो गई थाए एसी प्रतिमूलियों के बारे में प्रधानमंत्री विभागित की जाती है। जिसके वर्तमान में इस बात का विवरण नहीं के लिये प्रधानमंत्री द्वारा धूपुर 'मीमूँ' है कि प्रतिमूलियों की गई है और भावितांत को द्वारा व्यापोलित है। जोके लिये एग गंगोलित द्व्योदारों से इतर गांगी व्यक्तियाँ। जिनमां इन प्रतिमूलियों के प्रति प्रकाश को दिया हो, ताकान मूल्य लेंगांगार गांगीय द्विनं वैक, केंद्रीय गांगीय गरामारी और वैक लेवा विभाग, केंद्रीय चंगला गुरुद्वारे को गंगोलित करें। गूची वो गांगों में विभागित की गई है। भाग के में ग्रामों पहरी वार विभागित। प्रतिमूलियों गांगीन की गई है जीर गांग 'व' में पूर्ण विभागित प्रतिमूलियों को गूची दी गई है।

J-39931/96

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41. 201693	Mr. Ramkrishnan S. ACA Asst. Vice President Bank of America 748 Anna Salai Madras 600 002		26-08-96
42. 202978	Ms. Sangeeta Harbanslal Gupta, ACA Chartered Accountant M/s Lovelock & Lewes 4th Floor Lingapur House Himayatnagar Hyderabad 500 029.		24-06-96

K.R.A.N. IYER
Secretary (Current Charge)

EMPLOYEES' STATE INSURANCE CORPORATION

New Delhi, the 20th December 1996

No. A-12(14)-1/87-E-1(A).—In exercise of the powers conferred by sub-section (1) of section 97 read with clause (xxi) of sub-section (2) and sub-section (2A) of that section and sub-section (2) of section 17 of the Employees' State Insurance Act, 1948 (34 of 1948 as amended) and in supersession of Employees' State Insurance Corporation (Recruitment) Regulations, 1965, in so far as they relate to the posts of Assistant Regional Director/Manager Grade-I/Section Officer/Dy. Account Officer as amended from time to time, except in respect of the things done, or omitted to be done before such supersession, the Corporation hereby makes, with the approval of the Central Government the following regulations, regulating the method of Recruitment to the post of Assistant Regional Director/Manager Grade-I/Deputy Accounts Officer/Section Officer, namely:—

1. Short Title and Commencement

- These Regulations may be called Employees' State Insurance Corporation (Assistant Regional Director/Manager Or.I/Section Officer/Deputy Accounts Officer) Recruitment Regulations, 1996.
- They shall come into force on the date of their Publication in the Official Gazette.

2. Number of Post, Classification and Scale of Pay:

The number of the posts, their Classification and the scale of pay attached thereto, shall be as specified in column 2 to 4 of the schedule annexed to these regulations.

3. The Method of Recruitment, Age Limit, Qualification

The method of recruitment, age limit, qualifications and other matters relating to the said posts, shall be specified in column 5 to 14 of the said schedule.

4. Disqualification:

No Person:—

(a) who has entered into or contracted a marriage with a person having spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts, provided that the Director General of the Corporation, may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of these regulations.

5. Power to Relax

Where the Director General of the Corporation is of the opinion that it is necessary or expedient so to do, he may, after taking prior approval of the Central Government, and in consultation with the Union Public Service Commission, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of person.

6. Residuary Matters

Subject to the provisions of these regulations, all other regulations and instructions laid down in the E.S.I. Corporation (Recruitment) Regulations, 1965 as amended from time to time, applicable to the corresponding category of Officers in the Corporation, shall apply to the post specified in the Schedule annexed to these regulations.

7. Savings

Nothing in these regulations shall affect reservations and other concessions required to be provided for the Scheduled Castes the Scheduled Tribes, OBCs and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

S. K. SHARMA
Director General

RECRUITMENT RULES FOR THE POST OF ASSISTANT REGIONAL DIRECTOR/
MANAGER GRADE-I/ SECTION OFFICER/DEPUTY ACCOUNTS OFFICER
IN THE ESI CORPORATION

Name of Post	No. of post	Classification	Scale of pay (Rs.)	Whether selection or non-selection post	Age limit	Whether selection for direct recruits	Educational qualification reqd. for direct admission	Educational qualifications for direct recruits	Whether & other qualifications reqd. for direct recruits	Period of probation
1	2	3	4	5	6	7	8	9	10	
Asst. Regional Director/ Manager Gr. I/- Section Officer/ Dy. Accounts Officer	#141	Group B Ministerial	2000-60 2300- EB- 75-3200- 100- 3600-	selection	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	2 years

(1996) Subject to variation
Dependent on workload.

Method of Recrt. whether by Direct Recrt. or by promotion or by Direct promotion/transfer & ½ of the vacancy to be filled by various methods:	In case of Recrt. by Promotion Deputation/Transfer, Grades from which promotion/deputation/transfer to be made	If A DPC exists what is its composition	Circumstances in which U.P.S.C. to be consulted in making recrt.
11	12	13	14

Promotion	Promotion	DPC (For considering Promotion)	Consultation with U.P.S.C. necessary
	Insurance Inspector/Manager Grade II/ Supdt. in the pay Scale of Rs. 1640-2900 with three years regular service in the grade. Note : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their Seniors would also be considered provided They are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years which ever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.	1. Chairman/Member, U.P.S.C. : Chairman 2. Insurance Commissioner, E.S.I.C. : Member 3. Director of Administration, E.S.I.C. : Member	

16. Principal Officers.— [(1) The Central Government may, in consultation with the Corporation, appoint a Director General and a Financial Commissioner.]

(2) The Director General shall be the Chief Executive Officer of the Corporation.

(3) [The Director General and The Financial Commissioner] shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government [and of the Corporation].

(4) [The Director General or the Financial Commissioner] shall hold office for such period, not exceeding five years as may be specified in the order appointing him. An outgoing [Director General or Financial Commissioner] shall be eligible for reappointment if he is otherwise qualified.

(5) [The Director General or the Financial Commissioner] shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified from being appointed as or for being [the Director General or the Financial Commissioner] if he is subject to any of the disqualifications specified in section 13.

(7) The Central Government may at any time remove [the Director General or the Financial Commissioner] from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government]]—

[(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.]

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

1. Subs. by Act 29 of 1989, sec. 6, for sub-section (1) (w.e.f. 20-10-1989) (w.e.f. 1-7-1989).

2. Subs. by Act 29 of 1989, sec. 6, for "The Principal Officer" (w.e.f. 20-10-1989).

3. Ins. by Act 44 of 1966, sec. 10 (w.e.f. 17-6-1967).

4. Subs. by Act 29 of 1989, sec. 6, for "The Financial Commissioner" (w.e.f. 20-10-1989).

5. Subs. by Act 29 of 1989, sec. 6, for "The Director General" (w.e.f. 20-10-1989).

6. Subs. by Act 38 of 1975, sec. 3, for "with a maximum monthly salary of five hundred rupees and above" (w.e.f. 1-7-1975).

7. Subs. by Act 29 of 1989, sec. 7, for "one thousand and two hundred fifty rupees".

8. Subs. by Act 29 of 1989, sec. 7(1), for sub-section (2) (w.e.f. 1-7-1989).

(b) In determining the corresponding scales of pay of the members of the staff under clause (a) the Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.]

✓ (3) 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.

[Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade].

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]

18. Powers of the Standing Committee.—(1) Subject to the general superintendent and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of insured persons.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

1. Subs. by Act 44 of 1966, sec. 11, for "post carrying a maximum monthly pay in five hundred rupees and above" (w.e.f. 17-6-1967).

2. Ins. by Act 29 of 1989, sec. 7(iii)(a) (w.e.f. 16-5-1990).

3. Subs. by Act 45 of 1984, sec. 3, for "Class I or Class II" (w.e.f. 27-1-1985).

4. Subs. by the A.O. 1950, for "Federal".

5. Subs. by Act 29 of 1989, sec. 7(iii)(b), for "and aggregate period" (w.e.f. 20-10-1989).

6. Ins. by Act 29 of 1989, sec. 7(iii)(c) (w.e.f. 1-7-1989).

7. Ins. by Act 44 of 1966, sec. 11 (w.e.f. 17-6-1967).

After
JULY
Amendment



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No. A-22/13/1/2003-E.I(A)

Dated: 26.09.2003

Annexure - III

OFFICE ORDER NO. 814 OF 2003

The following promotions/transfers/postings are ordered by the Competent Authority:-

Sl. No.	Name of the Officer S/Shri/Ms.	Present place of posting as I.I / Mgr. Gr.II / O.S	Region/Sub-Region/Office in which posting is now ordered as Asst. Director/ Section Officer/ Manager Gr. I on ad-hoc basis
1.	N.D. Chawla	Maharashtra	Thane Sub-Region
2.	P.K. Sudeshan	Rajasthan	Kerala
3.	K.J. Rao	Andhra Pradesh	Andhra Pradesh
4.	P. Venkatachalam (ST)	Tamil Nadu	Tamil Nadu
5.	Ravindra Nath Ojha	Madhya Pradesh	A.D. R.O. Madhya Pradesh.
6.	Nizamuddin	Karnataka	Hubli Sub-Region
7.	HJ Sagar	Karnataka	Hubli Sub-Region
8.	JS Gawade	Pune	Pune Sub-Region
9.	KS Chauhan	Gujarat	Gujarat
10.	B.D. Patted	Karnataka	Karnataka
11.	Mohan Singh Rawat	Rajasthan	Haryana
12.	PG Narvankar	Maharashtra	Mumbai
13.	Rehan Ganl	Madhya Pradesh	Madhya Pradesh
14.	AM Ramanathan	Karnataka	Karnataka
15.	G.K. Bandyopadhyay	West Bengal	West Bengal
16.	Keran Singh	Haryana	Haryana
17.	SU Sule	Maharashtra	Mumbai
18.	R Nageswaran	Tamil Nadu	Vijayawada Sub-Region
19.	Mrs. R Bahumathi	Coimbatore	Coimbatore
20.	D Yogananda Rao	Tamil Nadu	Pondicherry
21.	K Prakasam	Andhra Pradesh	Andhra Pradesh
22.	GS Murthy	Andhra Pradesh	Andhra Pradesh
23.	K Vijayan	Kerala	Kerala
24.	Kamalakar Kelkar	Pune	Pune Sub-Region
25.	Gangabishan	Delhi	Delhi
26.	Manjeet Singh-II	Delhi	Delhi
27.	PK Kundu	West Bengal	West Bengal
28.	Jugal Barua	Assam	West Bengal
29.	A Jothi Pandian	Tamil Nadu	Vijayawada Sub-Region
30.	PV Lazar	Kerala	Kerala
31.	U Rajendron	Coimbatore	Coimbatore
32.	Kanti Ranjan Munshi	West Bengal	West Bengal
33.	Bachna Ram	Punjab	Punjab
34.	MK Jain	Rajasthan	Rajasthan
35.	R Kasinathan	Karnataka	Karnataka
36.	BA Parvathi	Karnataka	Hubbli Sub-Region
37.	CH Admane	Nagpur	A.D. SRO, Nagpur
38.	PV Santha Kumar	Tamil Nadu	Tamil Nadu
39.	Basudeb Mukhopadhyay	West Bengal	West Bengal
40.	CM Malhotra	Haryana	Haryana
41.	KP Hariharan	Tamil Nadu	Tamil Nadu
42.	V Madhavi RV Ramanl	Pune	Pune Sub-Region
43.	SK Pal	West Bengal	West Bengal
44.	Anil Kumar Banerjee	Uttar Pradesh	Uttar Pradesh
45.	JK Sabinis	Maharashtra	Mumbai
46.	VP Sinha	Bihar	Bihar
47.	Ram Chandra Kalbhor	Pune	Pune Sub-Region
48.	TK Sharma	Rajasthan	A.D. SRO, Surat
49.	Om Prakash	Haryana	Haryana
50.	K Raghurama V Shetty	Maharashtra	Mumbai
51.	VS Katre	Pune	Pune Sub-Region
52.	Mrityunjoy Pal	West Bengal	West Bengal
53.	Mangal Bhattacharjee	West Bengal	West Bengal
54.	TR Pandey	Delhi	Delhi
55.	Rakesh Kumar Gupta	Uttar Pradesh	Uttar Pradesh
56.	RN Mohrana	Madhya Pradesh	Madhya Pradesh
57.	Jagannathan R	Karnataka	Karnataka

After
Final
Associate

1	2	3	4
58.	Alay Kumar	Delhi	Delhi
59.	Prakash Chand	Hqrs.	Delhi
60.	SC Gupta	Delhi	Delhi
61.	RC Talwar	Delhi	Marol Sub-Region
62.	VK Roda	Delhi	Baroda Sub-Region
63.	J Kumaraswami	Andhra Pradesh	Vijayawada Sub-Region
64.	VK Taneja	D(M)D	Punjab
65.	M.Kalaiyanan	Tamil Nadu	Vijayawada Sub-Region
66.	RK Chakraborty	West Bengal	West Bengal
67.	S Jayaram	Tamil Nadu	Vijayawada Sub-Region
68.	B. L. Pachoria	Madhya Pradesh	Madhya Pradesh
69.	Smt. Vijayalakshmi	Andhra Pradesh	Andhra Pradesh
70.	K.K. Gupta	Rajasthan	Rajasthan
71.	VS Parmar	Gujarat	Gujarat
72.	AS Mahida	Maharashtra	Mumbai
73.	RN Brahma	Maharashtra	Mumbai
74.	LC Suryavanshi	Nagpur	Nagpur Sub-Region
75.	SH Ganesh	Nagpur	Nagpur Sub-Region
76.	VP Kadam	Pune	Pune Sub-Region
77.	SD Katre	Pune	Pune Sub-Region
78.	V Aruna Kumar	Andhra Pradesh	Andhra Pradesh
79.	D.K.Sammadhar	West Bengal	West Bengal
80.	Prakash Chand	Haryana	Haryana
81.	P Anandarao	Andhra Pradesh	Andhra Pradesh
82.	Surjan Lal	Punjab	Punjab
83.	S Subramani	Karnataka	Karnataka
84.	K Madhava Rao	Andhra Pradesh	Andhra Pradesh
85.	D. Vijay Kumar	Andhra Pradesh	Vijayawada Sub-Region
86.	A.B. Sastry	Andhra Pradesh	Andhra Pradesh
87.	Raima Chopra	Hqrs.	S.O. Hqrs.
88.	Prem Chand	Punjab	Punjab
89.	K.O.Rappal Kulty	Kerala	Kerala
90.	S.S.Srivastava	Uttar Pradesh	Uttar Pradesh
91.	Parveen Moudgil	Haryana	Haryana
92.	K.P.Jose	Kerala	Kerala
93.	Ramesh Kumar Chotla	Rajasthan	Marol Sub-Region
94.	Mohd. Ashfaque	Madhya Pradesh	Madhya Pradesh
95.	K.N.Vikraman	Kerala	Kerala
96.	Anand Kumar	Haryana	Haryana
97.	Sharda Manjunath	Andhra Pradesh	Andhra Pradesh
98.	Pankaj Kumar	Delhi	Rajasthan
99.	T.E.Venkatesan	Tamil Nadu	Tamil Nadu
100.	R.Velu	Tamil Nadu	Tamil Nadu
101.	Ravish Chandra Mandloi	Madhya Pradesh	A.D. ESIC H. Nagda
102.	C.N.Raj	Coimbatore	Coimbatore
103.	M.Rajendran	Madurai	A.D. SRO, Madurai
104.	Vasudev	Rajasthan	A.D. (Fin.), ESIC H. Nagda
105.	R.P. Sharma	Rajasthan	Madhya Pradesh
106.	Boben Raphael	Kerala	Kerala
107.	K.Santhalakshmi	Tamil Nadu	Tamil Nadu
108.	K.N.Radhakrishnan	Kerala	Kerala
109.	S.Pysone Gnanara	Madurai	Madurai Sub-Region
110.	S.ThaulathKhan	Tamil Nadu	Londicherry
111.	K.Sasidharan	Kerala	Kerala
112.	J.Karunanidhi	Tamil Nadu	Vijayawada Sub-Region
113.	G.Kuruppan	Kerala	Kerala
114.	Praveen Kumar	Hqrs.	S.O. Hqrs.
115.	Bandaru Subba Rao	Maharashtra	Mumbai
116.	S.Ganesan	Madurai	Madurai Sub-Region
117.	J.Verghese	Kerala	Kerala
118.	Tessy Franco	Kerala	Kerala
119.	Debabrata Pramanik	West Bengal	West Bengal
120.	P.R.Valshampayan	Maharashtra	Mumbai
121.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
122.	Ravinder Singh	Uttar Pradesh	Uttar Pradesh
123.	G.Vasantha Kumarl	Madurai	Madurai Sub-Region
124.	Ram Sudhar Ram	Uttar Pradesh	Uttar Pradesh
125.	G.Selvakumar.	Tamil Nadu	Tamil Nadu
126.	P.Sutradhar	Assam	West Bengal
127.	Subodh Kr. Sasmal	West Bengal	West Bengal

1	2	3	4
128.	E.D.Ravindran	Kerala	Kerala
129.	Sindo Ram	Punjab	Punjab
130.	A.K.Nim	Delhi	Madhya Pradesh
131.	Bihari Ram	Gujarat	Gujarat
132.	P.Kamara	Tamil Nadu	Tamil Nadu
133.	S.Mehelingam	Madurai	Madurai Sub-Region
134.	Anil Kumar Pal	Bihar	Jharkhand
135.	M.Biswas	Assam	West Bengal
136.	M.Doral	Karnataka	Andhra Pradesh
137.	Chander Singh	Haryana	Haryana
138.	Chandra Parkash	Bihar	Bihar
139.	Mohinder Singh	Rajasthan	Nagpur Sub-Region
140.	L.B.Yadav	Maharashtra	Mumbai
141.	T.R.Unnikrishnan	Maharashtra	Marol Sub-Region
142.	Mangalam Gogla	Hqrs.	S.O. Hqrs.
143.	A.L.Trivedi	Gujarat	Gujarat
144.	N.J.Palnter	Gujarat	Gujarat
145.	N.G.Panchal	Gujarat	Gujarat
146.	D.A.Thakkar	Gujarat	Gujarat
147.	P.S.Peswani	Gujarat	Gujarat
148.	C.S.Parsad	Bihar	Bihar
149.	L.N.Joshi	Gujarat	Gujarat
150.	C.B.Patel	Gujarat	Gujarat
151.	M.P.Romi	Gujarat	Gujarat
152.	M.S.Patel	Gujarat	Gujarat
153.	D.H.Prajapati	Gujarat	Gujarat
154.	P.K.Gupta	Rajasthan	Pune Sub-Region
155.	M.Laxminarayana	Andhra Pradesh	Andhra Pradesh
156.	Gurbachan Dass	Haryana	Haryana
157.	Jaglal Chaudhary	Bihar	West Bengal
158.	B.Balakrishnan	Andhra Pradesh	Andhra Pradesh
159.	M.Velayudhan	Kerala	Kerala
160.	D.S.Poonya	Maharashtra	Marol Sub-Region
161.	M.Siddarama	Karnataka	Karnataka
162.	Kanwal Nain	Punjab	Punjab
163.	S.C.Mondal	West Bengal	West Bengal
164.	R.N.Rana	Orissa	West Bengal
165.	S.C.Mishra	Hqrs.	West Bengal
166.	Chander Shekhar	Punjab	Madhya Pradesh
167.	Vir Sen	Haryana	Punjab
168.	I.M.Kapoor	Punjab	Haryana
169.	K.S.Rawat	Punjab	Punjab
170.	Mohd.Ishaq	Rajasthan	Punjab
171.	U.Mohrana	Orissa	Punjab
172.	S.K.Das	(SC)	West Bengal
173.	G.Chandrasekhar	(SC)	West Bengal
174.	T.Santhamma	(SC)	Karnataka
175.	S.G.Desai	Karnataka	Karnataka
176.	S.K.Chaturvedi	Gujarat	Baroda Sub-Region
177.	Rajbir Singh	(SC)	Hqrs.
178.	Ram S.Kunharly	(SC)	Delhi
179.	Rajbir Lal	(SC)	Rajasthan
180.	T.R.Narasing Rao	(ST)	Delhi
181.	V.K.Narayanan	(ST)	Andhra Pradesh
182.	Mrs.Nalini	(SC)	Kerala
183.	Mrs.T.N.Thankamani	(SC)	Hqrs.
184.	Smt.M.Ammiini	(SC)	Kerala
185.	Kanhalaya Lal	(SC)	Kerala
186.	Chander Sen	(SC)	Marol Sub-Region
187.	K.Devraj	(SC)	Thane Sub-Region
188.	P.K.Krishnan	(SC)	Karnataka
189.	Har Sahai	(SC)	Kerala
190.	P.K.Pappu	(SC)	Uttar Pradesh
191.	N.Loganathan	(ST)	Kerala
192.	R.Raju	(ST)	Karnataka
193.	Jai Narain Meena	(ST)	Pune Sub-Region
194.	Kikumba Longchar	(ST)	West Bengal
195.	Harshran Meena	(ST)	Delhi
196.	Ramesh M.Mugdur	(ST)	Karnataka
197.	K.R.Vijayan	(SC)	Kerala

-26--05/-

1	2	3
198. Pritam Chand	(SC)	Delhi
199. S.Ashok Kumar	(SC)	Madurai
200. Raghbir Singh	(SC)	Uttar Pradesh
201. V. Srinivas	(SC)	Karnataka
202. H.P.Jansari	(SC)	Gujarat
203. P.D.Parmar	(SC)	Gujarat
204. K.B.Chavda	(SC)	Gujarat
205. D.B.Londhe	(SC)	Maharashtra
206. S.B.Deolakar	(SC)	Maharashtra
207. Sudhir Kr. Roy	(SC)	West Bengal
208. Bhimrao Ram	(SC)	West Bengal
209. Pankaj Kr. Dhalli	(SC)	West Bengal
210. Sujit Kr. Tikadar	(SC)	West Bengal
211. A.L. Sarode	(SC)	Pune
212. S.B. Sonawane	(SC)	Pune
213. Heera Singh	(ST)	Delhi
214. Laxman Narain Meena	(ST)	Rajasthan
215. Sugan Lal Meena	(ST)	Rajasthan
216. Tril Kant Choudhary	(ST)	West Bengal
217. Sonam	(ST)	Punjab
218. Mahadev Meena	(ST)	Rajasthan
219. Debasish Baruah	(ST)	West Bengal
220. Rajendra Tudu	(ST)	Bihar

The promotion of all the officials is ordered purely on temporary and ad-hoc basis. They are likely to be reverted to their lower post without any notice or assigning any reason therefor. It is made clear to them that the ad-hoc promotion shall not confer on them any right either to continue in the post or for regular promotion in future. The period of service rendered by them on ad-hoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of these officers on promotion in the pay scale of Rs. 6500 -10500/- will be fixed under the normal rules.

All postings are ordered in public interest and the officers are entitled to TA, DA and Joining Time as per rules, wherever admissible.

All the officers except those shown against Sl. Nos. 5,37,87, 101,103,104,114, 142, 170 and 182 are posted as Managers Grade I in the Regions/ Sub-Regions shown against each in Col. No. 4. Their services will be utilized only as Managers Grade I in the upgraded Local Offices. The order in respect of the officers shown against Sl. Nos. 1 to 4 are issued in partial modification of the earlier Office Order No. 375 of 2003 of 20.6.2003 and the Office Order No. 403 of 2003 dated 8.7.2003.

This order comes into force with immediate effect.

The officers posted as Managers Grade I outside their present Regions / Offices of postings will be relieved by their controlling officers only after the orders regarding their places of postings in the new Regions / Sub-Regions are received by them.

The charge report(s) may be sent to all concerned.

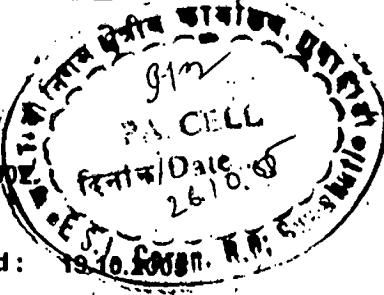
Hindi version will follow.

3/5/2003
(R. NATARAJAN)
JOINT DIRECTOR-I (A)

1. The Officers concerned
2. All the Officers of the Hqrs. Office
3. All the Regional Directors
4. All the Directors
5. All the Jt. Directors I/c of the SROs
6. D(M)Delhi/ D(M) Noida/ Director, ESI Hospital, K.K. Nagar/ Director (Family Welfare Project), New Delhi.
7. All the Medical Superintendents of ESIC Hospitals
8. All the Medical Superintendents of ESIC Model Hospitals
9. The concerned Jt. Directors (Fin.) and Dy. Directors (Fin.)
10. The Librarian, Hqrs.
11. Official Language Branch, Hqrs. Office for Hindi version.
12. Copy for personal file(s)/Guard file/spare copy.



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http://esic.nic.in



No. A33/12/1/97-E.I Col. II

Dated : 19.10.2003. R.T. G.S.

OFFICE ORDER No. 600 OF 2005

The Director, General is pleased to order the promotion of the following officers in the grade of Insurance Inspector (in the pay scale of Rs.5500 - 9000/-) to the grade of Assistant Director / Manager Gr. I / Section Officer (in the pay scale of Rs.6500 - 10500) on adhoc basis and post them as follows:-

Sl. No.	Name of the Officer S/Shri/Smt.	Present place of posting as I.I / Mgr.Gr.II/ Supdt.	Region/Sub-Region/Office in which posting is now ordered as Asst. Director/ Section Officer/ Manager Gr.I on adhoc basis
1.	Ashok Kumar Parida	Karanataka	Karanataka
2.	W. Suresh Manuel	Coimbatore	Coimbatore
3.	Nizamuddin	Karnataka	Andhra Pradesh
4.	Bhagwan Singh	Jharkhand	West Bengal
5.	B.K. Sinha	Bihar	Bihar
6.	Jugal Barua	Assam	West Bengal
7.	DK Sarkar	West Bengal	West Bengal
8.	RN Mohrana	Orissa	West Bengal
9.	KK Kureel	Uttar Pradesh	Noida
10.	VK Roda	Delhi	Hqrs.
11.	VK Taneja	D(M)D	D(M)D
12.	M Kalaiyanan	Tamil Nadu	Karanataka
13.	S Jayarej	Tamil Nadu	Tamil Nadu
14.	Pankaj Kumar	Delhi	Hqrs.
15.	J.Shiva Shankar	Andhra Pradesh	Andhra Pradesh
16.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
17.	A.K.Nim	Delhi	Hqrs.
18.	M.Koodalingam	Coimbatore	Kerala
19.	M.Dorai	Karnataka	Goa
20.	Jagat Chaudhary	Jharkhand	Jharkhand
21.	Ramulu	Andhra Pradesh	Andhra Pradesh
22.	D.Sugumaran	Karnataka	Karanataka
23.	S.K.Chaturvedi	Hqrs.	Hqrs.
24.	P.N.Bhasin	Delhi	Delhi
25.	Ram Swaroop Kunhariya	Rajasthan	Madhya Pradesh
26.	Ramesh Chander -II	Delhi	Hqrs.
27.	Mrs. Saroja Ashokan	Pune	Pune
28.	Amarjeet Kumar	Punjab	Punjab
29.	D.N. Dhalgera	Gujarat	Gujarat
30.	S.S.Hirani	Gujarat	Gujarat
31.	Chander Sen	D(M)D	D(M)D
32.	Saheb Ram Singh	Delhi	Hqrs.
33.	Anil Kr. Rastogi	Delhi	Hqrs.
34.	M.A.Hafees	Andhra Pradesh	Andhra Pradesh
35.	G.Panda	Orissa	West Bengal
36.	Har Sahai	Uttar Pradesh	Uttar Pradesh
37.	S.K.Srivastava	Madhya Pradesh	Chattisgarh
38.	C.B.Gandhi	Gujarat	Gujarat
39.	N.C.Purani	Gujarat	ESICM Hospital, Ahmedabad
40.	Kusum Vohra	Hqrs.	Hqrs.
41.	Kanwaljit Singh	Delhi	Delhi
42.	V.L.Joshi	Madhya Pradesh	Madhya Pradesh
43.	Daljit Kaur Mavi	Punjab	Punjab
44.	D.K.Sharma	Rajasthan	Madhya Pradesh

*Alberto
Full Hovorka*

45.	Narain Dass	Rajasthan	Rajasthan
46.	Abdul Quodeos	Delhi	Hqrs.
47.	Vilayati Lal	Delhi	Hqrs.
48.	Anil Kumar Khanna	Hqrs.	Mumbai
49.	N.K.Basher	Gujarat	Gujarat
50.	J.K.Parmar	Gujarat	Gujarat
51.	R.K.Sharma	Delhi	Hqrs.
52.	R.S.Rohilla	Haryana	Hqrs.
53.	Mrs. V.K.Pathak	Hqrs.	D(M)D
54.	S.C.Kulshrestha	Uttar Pradesh	Uttar Pradesh
55.	Satpal	Hqrs.	Hqrs.
56.	Harish Chander	Haryana	Haryana
57.	Sunil Kumar	Haryana	Hqrs.
58.	Hoshiar Singh	Haryana	Hqrs.
59.	Kiran Kohli	Delhi	Delhi
60.	Shubhkaran	Punjab	Himachal Pradesh
61.	Tarsem Pal	Haryana	Haryana
62.	K.S.Minhas	Haryana	Pune
63.	Sat Pal Bansal	Haryana	Pune
64.	Neelam Puri	Haryana	Mumbai
65.	S.G.Teher	Andhra Pradesh	Andhra Pradesh
66.	Suresh Pai Singh	Rajasthan	West Bengal
67.	P.N.Sahoo	Orissa	Orissa
68.	G.C.Rout	Orissa	West Bengal
69.	Shiv Shankar Lal Srivastava	Uttar Pradesh	Uttar Pradesh
70.	Upendra Bajaj	Madhya Pradesh	Madhya Pradesh
71.	Baldev Singh	Punjab	ESICM Hospital, Bari Brahma (Jammu)
72.	Smt.L.B.Shah	Gujarat	Gujarat
73.	Smt.A.S.Chaurasia	Gujarat	Gujarat
74.	Ladu Ram Rana	Rajasthan	Rajasthan
75.	P.R.Kudal	Rajasthan	Rajasthan
76.	B.C.Godika	Rajasthan	West Bengal
77.	Mrs. B. Nag	Assam	West Bengal
78.	A.Shyama Prasad	Karnataka	Karnataka
79.	U.Vasantha Kr. Shenoy	Karnataka	Karnataka
80.	Ram Kr. Dwivedi	Uttar Pradesh	Uttar Pradesh
81.	K.Sreenivasan	Kerala	Kerala
82.	M.V.Krishnan	Kerala	Kerala
83.	P.Balakrishnan Nair	Kerala	Kerala
84.	J.P.S.Malik	Haryana	West Bengal
85.	V.Srinivasa	Karnataka	Karnataka
86.	D.B.Bhende	Mumbai	Mumbai
87.	R.A.Pillai	Pune	Pune
88.	A.B.Manivatkar	Nagpur	SRO, Aurangabad
89.	M.P.Gangurde	Mumbai	Mumbai
90.	M.S.Dhaware	Pune	Pune
91.	V.D.Pinjarkar	Nagpur	Mumbai
92.	R.G.Waghmare	Mumbai	Mumbai
93.	N.S.Bodhere	Mumbai	Mumbai
94.	V.P.Nalavede	Pune	Pune
95.	M.P.Chankapure	Nagpur	Mumbai
96.	B.P.Gaigwal	Pune	Pune
97.	Shankar Lal Anjana	Madhya Pradesh	Madhya Pradesh
98.	A.Pondyarajan	Madurai	Tirunelveli
99.	C.N.Chauhan	Gujarat	Gujarat
100.	J.Boro	Assam	West Bengal
101.	S.Venkatarathnam	Andhra Pradesh	Andhra Pradesh
102.	P.S.Verma	Haryana	West Bengal
103.	Rameshwar Das	Punjab	ESICM Hospital, Ludhiana
104.	S.R.Mago	Delhi	Delhi
105.	N.K.Sahu	DMD	DMD
106.	Santosh Malhotra	DMD	Mumbai
107.	Prem Lata	Hqrs.	Mumbai

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108.	Rama Dhamija	Hqrs.	Mumbai
109.	M.C.Nag	Assam	West Bengal
110.	Raj Kumari Sabharwal	Delhi	Hqrs.
111.	Praveen Sehgal	Gujarat	Gujarat
112.	A.K. Sagl	Delhi	Pune
113.	Alluri Venu Gopal	Andhra Pradesh	Andhra Pradesh
114.	C.P. Wadhwa	Hqrs.	West Bengal
115.	N.K. Luthra	Hqrs.	West Bengal
116.	Rajiv Kumar Choudhary	Mumbai	Mumbai
117.	Jyoti Prasad	Bihar	Bihar
118.	Meenakshi Nanda	Delhi	Pune
119.	P.M. Khale	Madhya Pradesh	Madhya Pradesh
120.	Vinay Kumar Sharma	Delhi	West Bengal
121.	K.Padmapathy	Tamil Nadu	Salem
122.	Sushil Sachdeva	Delhi	West Bengal
123.	S.S.Dalal	Haryana	Tamil Nadu
124.	P.K. Bhatnagar	Delhi	Delhi
125.	Manish Gupta	D(M)D	West Bengal
126.	K.K. Malhotra	Hqrs.	Hqrs.
127.	P.M. Narayandas	Karnataka	Karnataka
128.	M.G. Parihar	Gujarat	Gujarat
129.	K.N. Jotwani	Gujarat	Gujarat
130.	Kakali Das	Andhra Pradesh	Andhra Pradesh
131.	I.G. Pillai	Gujarat	ESICM Hospital, Ahmedabad
132.	B.C. Mehta	Gujarat	Mumbai
133.	Om Prakash Dhingra	Delhi	West Bengal
134.	Vijay Kumar	Delhi	West Bengal
135.	Pankaj Kumar	Bihar	West Bengal
136.	Savita R. Suresh	Delhi	West Bengal
137.	Rajendra R. Pillai	Nagpur	SRO Aurangabad
138.	Prasun Kumar Sinha	Mumbai	Mumbai
139.	Rohtas Singh	SC	West Bengal
140.	Majmudar P. Keshav Lal	SC	Mumbai
141.	Kalidas Sajjan	SC	West Bengal
142.	Girish Kumar Kain	SC	West Bengal
143.	Vijay Bokalia	SC	West Bengal
144.	Champak Biswas	SC	Hqrs.
145.	Azad Singh	SC	West Bengal
146.	Jyoti Parkash	SC	West Bengal
147.	Ajay Kumar Mahan	SC	Goa
148.	Premdas Jaiswara	SC	Tamil Nadu
149.	P.K. Krishnan Kutty	SC	Uttar Pradesh
150.	V. N. Sarojini	SC	Kerala
151.	C. Gopinathan	SC	Kerala
152.	Krishna Das	SC	Kerala
153.	S. Palaninathan	SC	West Bengal
154.	Amarjeet Singh	SC	Tamil Nadu
155.	S. Dhandapani	SC	Punjab
156.	Ram Prasad	SC	Coimbatore
157.	Mool Chand	SC	West Bengal
158.	Jai Prakash	SC	West Bengal
159.	Phool Singh Giroh	SC	West Bengal
160.	Vikramjit Singh	SC	West Bengal
161.	Ran Singh	SC	Andhra Pradesh
162.	Baldev Singh	SC	ESICM Hospital, Bari Brahma, Jammu
163.	B. Gnana Kumar	SC	Andhra Pradesh
164.	Hari Krishan	SC	Haryana
165.	J. B. Ram	SC	Jharkhand
166.	Bhola Ram	SC	Haryana
167.	Balvant Ram	SC	West Bengal
168.	Ram Swaroop Jarwal	SC	Tamil Nadu
169.	S.C. Deka	SC	Mumbai
170.	B.C. Rahi	SC	West Bengal

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The promotion of the officers will take effect from the date of their assumption of charge.

The promotion of all the above mentioned officers is ordered purely on temporary and adhoc basis. They may be reverted to their lower post without any notice or assigning any reason therefor. The adhoc promotion shall not confer on them any right to continue in the post or for regular promotion in future. The period of service rendered by them on adhoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of all these officers on promotion will be fixed in the pay scale of Rs.6,500 - 10,500/- under the normal rules.

The transfers/postings of all these officers have been ordered in public interest and they are entitled to TA/TTA/DA/Joining Time as admissible under the rules, wherever applicable.

The officers posted to regions which are different from their present ones will be relieved from their present posts by their present controlling officers concerned only after they receive communications regarding their places of postings from the Regional Directors/ Directors/ Joint Directors i/c of the Regions/Sub-Regions to which they are posted. The orders indicating the placement of officers who are posted in other Regions/ Sub-Regions shall be issued by the respective Regional Directors/ Directors/ Joint Director i/c within a week from the date of issue of this order.

The Regional Directors may utilize the services of the senior-most officers available in their regions in the cadre of Asst. Directors/ Managers Gr.I as Asst. Directors in the Regional Office as per this Office Order No. 316 of 2005 dated 30.6.2005 in file No. A -22 (13) 1/2004-E I.

The charge reports may be sent to all concerned in due course.

(Hindi version follows)

19/10/05
(R. NATARAJAN)
JOINT DIRECTOR E. I

To,

1. The officers concerned.
2. All officers of the Headquarters.
3. All the Regional Directors.
4. All the Directors / Joint Directors i/c of the Sub-Regional Offices.
5. All the Medical Superintendents of ESIC Hospitals and ESIC Model Hospitals.
6. D(M)Delhi/D(M) Noida/Director, ESI Hospital, KK Nagar/Director (FWP), New Delhi
7. The concerned Joint Directors (Fin.) and Dy. Directors (Fin.)
8. The Librarian, Hqrs. Office
9. Official Language Branch, Headquarters for Hindi version.
10. Copy to personal files/ Guard file/ Spare copy.

A. K. S. J. S. Advocate

practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointments/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No *ad hoc* appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) *Revision of Seniority List.*—Another reason for making *ad hoc* arrangements and delaying regular promotions is that, the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases, regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases, it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC, they may be reverted to the posts held by them earlier.

(iv) *Shortage in Direct Recruitment Quota.*—*Ad hoc* appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they join to resign thereafter.

According to the instructions contained in this Department's O.M. No. 24012/34/80-Estt. (B), dated the 20th February, 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question up to the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:

(a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.

(b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment, i.e., not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination

become available), by the alternative methods, i.e., by transfer on deputation, etc.

(c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised vide O.M. No. 14017/8/84-Estt. (RR), dated the 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended, the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.

(v) *Filling up of short-term vacancies.*—Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation, etc., of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

✓ 3. *Cases where ad hoc appointments can be made.*—If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an *ad hoc* basis. Such circumstances may be—

- Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgment of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- Where the DR quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- In short-term vacancies due to regular incumbents being on leave/deputation, etc., and where the posts cannot be filled as per Para. (v) above and cannot also be kept vacant.

✓ 4. *Conditions for making ad hoc appointments.*—In such exceptional circumstances, *ad hoc* appointments may be resorted to subject to the following conditions:

- The total period for which the appointment/promotion may be made on an *ad hoc* basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on *ad hoc* basis may not be permitted, in case there are compelling factors extending a year *ad hoc* appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought for at least two months in advance before

Mr. J. A. H. D.

the expiry of the one year period. If the approval of the Department of Personnel and Training to the continuance of the *ad hoc* arrangements beyond one year is not received before the expiry of the one year period, the *ad hoc* appointment/promotion shall automatically cease on the expiry of the one year term.

- (ii) If the appointment proposed to be made on an *ad hoc* basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.
- (iii) Where *ad hoc* appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under—
 - (a) *Ad hoc* promotions may be made only after proper screening by the appointing authority of the records of the officer.
 - (b) Only those officers who fulfil the eligibility conditions prescribed in the Recruitment Rules should be considered for *ad hoc* appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
 - (c) The claims of Scheduled Castes and Scheduled Tribes in *ad hoc* promotions shall be considered in accordance with the guidelines contained in the Department of Personnel and A.R., Office Memorandum No. 36011/14/83-Estt. (SCT), dated 30-4-1983.
- (iv) Where *ad hoc* appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the Employment Exchanges concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age-limit prescribed in the Recruitment Rules. Where the normal procedure for recruitment to a post is through the Employment Exchange only, there is no justification for resorting to *ad hoc* appointment.
- (v) Where the appointing authority is not the Ministry, the Authority competent to approve *ad hoc* appointments may be decided by the Administrative Ministries themselves. The competent authority so authorized by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. *Ad hoc promotions of officers whose cases are kept in sealed covers.*—*Ad hoc* pronotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt. (A), dated 12-1-1986, will however, continue to be governed by these special instructions (Order 3 below). Similarly, *ad hoc* prwnotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/

Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No. 31/16/82-EQ (MM), dated 28-8-1982.

6. *Review of ad hoc appointments/promotions.*—All *ad hoc* appointments including *ad hoc* promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in Para (4) (v). However, it may be noted that the continuance of such *ad hoc* appointments, including *ad hoc* promotions will be subject to the overall restrictions of one year from the date of issue of these instructions.

All Ministries/Departments are requested to take action in accordance with the above-mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

[G.L. Dept. of Per. & Trg., O.M. No. 28036/8/87-Estt. (D), dated the 30th March, 1988.]

(2) *No Ad hoc appointment by Direct Recruitment.*—The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No. 22011/3/75-Estt. (D), dated 29-10-1975 and the Department of Personnel and Training O.M. No. 28036/8/87-Estt. (D), dated 30-3-1988 (Order (1) above), persons appointed on *ad hoc* basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be, at the earliest opportunity. These instructions also provide that whenever an appointment is made on *ad hoc* basis, the fact that the appointment is *ad hoc* and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on *ad hoc* basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

2. Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on *ad hoc* basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of *ad hoc* appointment with consequential benefits like seniority, etc.

3. In this regard, it is stated that issue of regularization of *ad hoc* employees has been considered in several judgments of the Hon'ble Supreme Court. In the case of *R.N. Nanjundappa v. T. Thimmarah and others* (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the Government cannot override rules framed under Article 309 of the Constitution. In the case of *State of Orissa v. Sukanti Mahapatra* (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without anything more, will not meet the requirement of the action being in public interest and what has been

SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

834 / 2.7 In Group 'A' and Group 'B' services/posts, if none of the officers included in the DPC as per the composition given in the Recruitment Rules is an SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

2.8 In the case of EB crossing. — ***

PART - II
FREQUENCY OF MEETINGS

Frequency at which DPC should meet

3.1 The DPCs should be convened at regular annual intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. For this purpose, it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, Integrity Certificates, Seniority List, etc., for placing before the DPC. DPCs could be convened every year if necessary on a fixed date, e.g., 1st April or May. The Ministries/Departments should lay down a time-schedule for holding DPCs under their control and after laying down such a schedule the same should be monitored by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. Holding of DPC meetings need not be delayed or postponed on the ground that Recruitment Rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the Recruitment Rules in force on the date of vacancy, unless rules made subsequently have been expressly given retrospective effect. Since amendments to Recruitment Rules normally have only prospective application, the existing vacancies should be filled as per the Recruitment Rules in force at the time of amendment.

Very often, action for holding DPC meeting is initiated after a vacancy has arisen. This results in undue delay in the filling up of the vacancy causing dissatisfaction among those who are eligible for promotion. It may be ensured that regular meetings of DPC are held every year for each category of posts so that an approved select panel is available in advance for making promotions against vacancies arising over a year.

3.2 The requirement of convening annual meetings of the DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion of no officers fit due for confirmation during the year in question.

I See O.M. dated 9-1998 at the end of this section for Model Calendar.

1. G.I. Dept. of Per. & Trg. O.M. No. 2201/98-Est. (D), dated the 17th October, 1994.
2. G.I. Dept. of Per. & Trg. O.M. No. 2/11/3/98-Est. (D), dated the 17th September, 1998.

PROMOTIONS

PART - III
PREPARATORY ACTION

Determination of regular vacancies

4.1 It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a post/grade/service due to death, retirement, resignation, regular, long-term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Purely short-term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training, etc., should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated yearwise separately.

[Calculation of vacancies

It has been decided that for preparation of a select panel, Ministries/Departments may calculate the vacancies for reporting to DPC on financial yearwise where ACRs are written financial yearwise and calendar yearwise where ACRs are written on calendar yearwise.]

[Crucial date for determining eligibility

The eligibility dates for determining the eligibility of officers for promotion would be the first day of the crucial year, i.e., January 1 irrespective of whether ACRs are written financial yearwise or calendar yearwise.

The crucial dates indicated above would be applicable to only such services and posts for which statutory Service Rules do not prescribe a crucial date.]

In reiteration of the aforesaid provision (Para. 4.1) of the DPC guidelines, dated 10-4-1989, it is hereby clarified that such vacancies arising in a particular vacancy year, as noted in the aforesaid Para. 4.1, would be considered together by the DPC. These vacancies should also include newly-created posts in the same vacancy year. Hence, the DPC for a particular vacancy year held subsequent to the creation of such new posts in the same vacancy year would be required to take into consideration such newly-created posts also along with other already existing/anticipated vacancies arising in the same vacancy year. As a sequel to it, the zone of consideration would also

1. G.I. Dept. of Per. & Trg. O.M. No. 2201/98-Est. (D), dated the 17th October, 1994.

2. G.I. Dept. of Per. & Trg. O.M. No. 2/11/3/98-Est. (D), dated the 17th September, 1998.

To
The Director General
E.S.I.Corporation
Panchdeep Bhawan
New Delhi-110002

Through Regional Director, ESIC, Guwahati

Sub:- Promotion to the post of Assistant Director/Manager Gr.I/Section Officer
In the pay scale of RS.6,500/- 10,500 on ad hoc basis.

Sir,

With reference to Hqrs. Office, ESI Corporation, New Delhi office order no. 508 of 2005 vide no A.33/12/1/97-Estt. Vol. II dated 19.10.05 on the above subject. I have to submit my representation as under for your kind reconsideration.

- 1) That Sir, I am willing to accept the promotion to the post of Assistant Director/ Mgr. Gr.I/Section Officer provided it is offered to me on regular basis.
- 2) That Sir, a regular post of Assistant Director is still lying vacant in the N.E. Region, Guwahati for which I am eligible to be accommodated. But unfortunately being a senior I.I. I have not been considered for that place of posting for the reasons best known to the authority.
- 3) That Sir, my junior has been accommodated as ad hoc Assistant Director in N.E. Region, Guwahati depriving me for regular promotion which is not only violation of principle of natural justice but also a clear discrimination in selecting the place of posting.
- 4) That Sir, my present pay structure is RS.6,500 - 10,500/- obtained by virtue of ACP and your above noted promotion does not confer on me any right to continue in the post or for regular promotion in future. Further, the period of service, rendered by me on ad hoc basis in the grade will neither count for seniority nor for eligibility for promotion to the next higher cadre.

It indicates that my service is sought to be utilized in other region with higher responsibility without conferring any right and benefits which is not tenable in law. Thus, the term ad hoc promotion without any benefit has no meaning in my case.

5. That Sir, I have not been considered for DPC for regular promotion due to the reason best known to the Authority.

Under the above circumstances I would like to request you kindly to look into my case and accommodate me as Assistant Director, N.E.Region Guwahati.

Yours faithfully,

Atul
Jain
Advocate

Jugal Baruah
(JUGAL BARUAH)
SUPERINTENDENT
R.O., E.S.I.C., GHY.-21
01/12/2006

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Annexure - VIII



No. 41.A.20/11/14/2003 Estt-I

Dated, the 14th October 2005

OFFICE ORDER NO. 80 OF 2005

In pursuance of Hqrs. Office Order No. 296 of 2005 issued under communication No. A-22(13)1/2004 E-I dated 27.6.2005, the Addl. Commissioner & Regional Director has ordered that Sri P. Sutradhar, Manager Gr. I (Ad-hoc), Rishra B.O., West Bengal Region shall be relieved from this region on the afternoon of 14.10.2005 on his transfer to the Office of the OSD, (North-East).

The transfer & posting of Sri Sutradhar has been ordered at his own request and he is not entitled to TA and joining time.

Charge report may be sent to all concerned in due course.

Hindi version will follow.

Arun Pandey
(ARUN PANDEY)
DY. DIRECTOR (ADMN)

To

Sri P. Sutradhar, Manager Gr. I
Rishra B.O.

Copy to:

1. Director General, E.S.I. Corporation, C.I.G. Road, New Delhi.
2. Financial Commissioner, E.S.I. Corporation, C.I.G. Road, New Delhi.
3. Regional Director, E.S.I. Corporation, Office of the OSD, (North-East), with the information that Sri Sutradhar has availed himself of 8 days' C.L. & 1 day's R.H. during the calendar year-2005.
4. Joint Director (Fin.), E.S.I. Corporation, Orissa Region.
5. Director (Vigilance), EZ, Kolkata.
6. All Joint Directors, R.O., Kolkata/Joint Director (I/C), SRO, Bkp./S.S.M.C. (EZ), Kolkata.
7. Medical Superintendent, ESI Hospital & ODC, Joka.
8. All Br. Officers, R.O., Kolkata/SRO, Bkp.
9. All Branches, R.O., Kolkata/ SRO, Bkp./P.A. to A.C. & R.D.
10. All Br. Offices/ M.R. Offices.
11. Guard file.
12. Office of the OSD, (North-East).
13. File No. 41.A.33/14/2005-E.I

*After 1st
full
Advocate*

NOTICE

81

from:

Mr. P. Nath
(Advocate)

From:

To: Miss. V. Das
Adv. C.G.S.C.

Sub: Amended O.A. No. 32/2006 (Shri J. Basurah
vs. V. Das)

Madam,
Kindly please enclosed herewith a copy of the
Amended O.A. No. 32/2006, which is being filed
today.

This is for your information and
necessary action.
Please acknowledge receipt.

Received
Yours sincerely

P. Nath
Advocate
10/5

Received
V. Das
(V. Das)
Adv. C.G.S.C.
10/5/06

Before the Hon'ble C.A.
Court - Bench consisting of
It is prayed that the -
following cases may -
kindly be allowed -
to list for admission
on 13/2/2006.

① O. A. 1/2006.

Shri Jugal Bambha

vs -
Union of India & ors.

② O. A. 1/2006.

Shri Hanif Ria -

-vs-

Union of India & ors.

③ Dr. A. K. Banikya -

-vs-

Union of India & ors.

for

Daily
all day
Monday 13/2/06

Order

Adv
10/2/06

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION

1. a) Name of the Applicant:- J. Boruah
b) Respondents :- Union of India & Ors
c) No. Cf applicant:-

2. Is the application in the proper form :- Yes/No.

3. Whether name & Desxription and address of all the papers been furnished in cause title:- YES/NO.

4. Has the application been duly signed and verified: YES/NO.

5. Have the copies duly signed :- YES/NO.

6. Have sufficient number of copies of the application been filed:- YES/NO.

7. Whether all the annexures parties are impleades:- YES/NO.

8. Whether Enflish translation of documents in the Language:- YES/NO.

9. Is the apllication is in time :- YES/NO.

10. Has the Vakalatname/MEMO/of Appearance/Author is ation filed:- YES/NO.

11. Is the application by IPO/BD/FOR Rs.50/- 266319021

12. Has the application is maitanable :- YES/NO.

13. Has the impugned order original duly attested been filed:- YES/NO.

14. Has the legible copies of the annexures duly attested filed:- YES/NO.

15. Has the Index of documents been filed all available:- YES/NO.

16. Has the required number of enveloped bearing full address of the respondents been filed :- YES/NO.

17. Has the declaration as required by item 17 of the form:- YES/NO.

18. Whether the relief sought for arises out of the Single:- YES/NO.

19. Whether the interim relief is prayed for :- YES/NO.

20. In case of condonation of dely is filed is it supported:- YES/NO.

21. Whether this case can be heard by SINGLE BENCH/DIVISION BENCH:

22. Any other points :-

23. Result of the scrutiny with initial of the Scrutiny Clerk:-
The application is in order.

L.N. OFFICER

N. Gomes
6.2.06
11c DEPUTY REGISTRAR

- 6 FEB 2007

गुवाहाटी बाबूपुराठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 32 /2006

Shri Jugal Baruah.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

1990- Applicant was initially appointed as Insurance Inspector in the department of ESI Corporation.

26.09.2003- Impugned office order No. 614 of 2003 was issued by the respondent Corporation, whereby 220 posts in the cadre of Asstt. Director/Section Officer/Manager Gr- I has been filled up on ad hoc basis imposing an arbitrary condition that the ad hoc promotion shall not confer any right on the employee either to continue in the post or for regular promotion in future. In the said order it is also made clear that the period of ad hoc service will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher cadre. Applicant was placed at Sl. No. 28 of the said order, but the applicant did not avail of ad hoc promotion due to the conditions imposed in the said ad hoc promotion order as well as due to his domestic problems. (Annexure- III)

19.10.2005- Impugned order No. 500 of 2005 of adhoc promotion has been passed by the respondent Corporation, whereby applicant is promoted to the post of Manager Gr. I/Section Officer/Asstt. Director on adhoc basis with the specific condition that in the event of availing adhoc promotion seniority benefit in the promotional grade shall not be conferred. Name of the applicant is placed at Sl. No. 6 of the said impugned order, applicant did not avail of ad hoc promotion order due to the arbitrary conditions as well as due to his domestic problems. (Annexure- IV)

It is stated that respondent Corporation inspite of availability of large numbers of vacant posts in the grade of Manager Gr. I/Section Officer/Asstt. Director did not hold the regular DPC for filling up those large numbers of vacant posts by promoting eligible incumbents like the present applicant and issued orders of ad hoc promotion imposing arbitrary conditions. Such action of the respondent Corporation is in violation of Govt. of India's instructions issued from time to time. (Annexure-VI)

It is also stated that those incumbents who were promoted on ad hoc basis vide order dated 26.09.2003 are still continuing in the promotional posts on ad hoc basis for more than 2 year, such action of the respondent Corporation is in violation of provisions laid down in sub-sec (3) of Section 17 of the ESIC Act 1948.

(Annexure- II)

03.01.2006- Applicant has attained eligibility for promotion to the grade of Manager Gr. I/Section Officer/ Asstt. Director way back in the year 1993, but the respondent Corporation inspite of holding regular DPC for promotion of the applicant issued the impugned order dated 26.09.2003 as well as impugned order dated 19.10.2005. He submitted representation addressed to the Respondent No. 2. In the said representation applicant interalia stated that he is willing to accept the promotion to the post Asstt. Director if the same is made on regular basis.

(Annexure- VII)

Hence this application.

PRAYERS

Relief (s) sought for

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
2. That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Asstt. Director/Manager Gr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 32 /2006

Shri Jugal Baruah. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Date: - 06/02/2006

Filed By:
Surajit Choudhury
Advocate

Jugal Baruah

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Filed by the Applicant
through Sevajit Chatterjee
Advocate
03/07/2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 2006

BETWEEN:

Shri Jugal Baruah,
S/o- Late Kula Chandra Baruah,
Superintendent,
Regional Office,
Employees State Insurance Corporation,
Bamunimaidan,
Guwahati- 781021.

—Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi- 110001.
2. The Director General,
Employees State Insurance Corporation
Panchdeep Bhawan,
C.I.G. Road,
New Delhi- 110002.
3. The Joint Director, E.I.
Employees State Insurance Corporation,
Panchdeep Bhawan,
C.I.G. Road,
New Delhi- 110002.
4. The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.
5. Shri Pradip Sutradhar,
Asstt. Director (Adhoc).

Jugal Baruah

O/o- The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the order of ad-hoc promotion granted vide office order dated 26.09.2003 (Annexure- III), which has been allowed to continue beyond one year in violation of the provision laid down in sub section 3 of section 17 of the Employees State Insurance Act, 1948 and also for non holding of DPC since 2001 inspite of availability of large nos. of vacancy in the cadre of Assistant Director/Section Officer/ Manager Grade-I in the scale of Rs. 6,500- 10,500/- and also against the ad-hoc promotion order dated 19.10.2005 (Annexure- IV) and also praying for a direction upon the respondents to prepare year wise panel by holding DPC with immediate effect and to grant promotional benefit to the cadre of Assistant Director/Section Officer/ Manager Grade-I with all consequential service benefit including arrear monetary benefit, seniority at least from the date of vacancy.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

Jyoti Baruah

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially appointed in the department of Employees State Insurance Corporation in the year 1990 as Insurance Inspector and he was posted at Regional Office at Calcutta, however after serving for a period of about 3 years the applicant was transferred and posted at Dhubri in the State of Assam, thereafter he was again posted to Chandrapur ESIC local office in the same capacity as Manager Gr. II and subsequently the applicant was again transferred to Regional Office, Guwahati as Insurance Inspector and at present he is working as Superintendent at Regional Office, Guwahati in the department of Employees State Insurance Corporation (for short ESIC). Be it stated that in the department of ESIC Inspector/Superintendent/Manager Gr. II are of the same grade, with the same scale of pay.

4.3 That it stated that as per recruitment rule the next avenue of promotion of the applicant is in the cadre of Assistant Director/Section Officer/Manager Grade-I in the scale of pay of Rs. 6,500-10,500/- as per rule, after serving for a period of 3 years in the cadre of Superintendent on regular basis, an employee is entitled to be considered for promotion to the cadre of Assistant Director/Section Officer/ manager Grade-I subject to availability of vacancy. In other words an employee fall within the zone of consideration for promotion on completion of 3 years of service in the feeder cadre on regular basis in the cadre of Assistant Director/Section Officer/manager Grade-I in the Department of State Insurance Corporation.

Jagat Narayan

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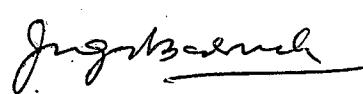
4.4 That your applicant after his appointment to the cadre of Inspector/Superintendent, he was never considered for promotion on regular basis in the next higher post of Assistant Director/ Section Officer/ manager Grade-I inspite of having large numbers of regular vacancies since 2000-2001 in the promotional cadre as such the applicant is stagnating in the same post of Inspector/Superintendent. However, in terms of the Govt. of India's O.M dated 09.08.1999, the applicant was granted 1st financial upgradation in the year 2002 on completion of 12 years of regular service in the cadre of Inspector/Superintendent.

4.5 That it is stated that a large numbers of vacancies in as much as 220 regular vacancies in the cadre of Assistant Director/ Section Officer/Manager Grade-I fall vacant since 2000-2001, but no effort is made on the part of the respondent corporation to hold the regular DPC for considering promotion of the applicant as well as other similarly situated employees, and denied regular promotion to the applicant since 2001-2002 when large nos. vacancies are available in the promotional cadre is a deliberate act and willful omission on the part of the respondents. As a result of non holding of DPC, the applicant and other similarly situated employees has been suffering in the matter of promotion as well as in the matter of further promotional prospects, which in fact is causing irreparable loss and injury to the service prospects of the applicant.

4.6 That it is stated that vide impugned office order No. 614 of 2003 issued under letter No. A-222/13/1/2003-E.1 (A) dated 26.09.2003, whereby in as much as 220 posts in the cadre of Assistant Director/Section officer/Manager Grade-I has been filled up on ad- hoc basis in the scale of Rs. 6,500-10,500/- imposing an arbitrary condition that the ad-hoc promotion shall not confer any right on the employees either to continue in the post or for regular promotion in future. It is also made clear in the impugned promotion order that the period of adhoc service likely to be

Jagat Barmoh

rendered by the employees on ad hoc basis in the grade/cadre will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher grade/cadre and ad hoc promotees may be reverted to their lower post without any notice or assigning any reason thereof, and as a result of such ad hoc promotion firstly the possibility of holding DPC for regular promotion is blocked. On the other hand for implementation of the impugned order of ad-hoc promotion a large scale transfer and posting has been ordered by the competent authority through out the country, which cost huge Govt. expenditure from the Government exchequer, on the other hand, the arbitrary conditions has been imposed in the order of ad-hoc promotion such as threat of reversion to the lower post without any notice, and also arbitrary denial of seniority benefit for the period of ad-hoc service likely to be rendered by the ad-hoc appointee/promote. When ad-hoc promotions are effected against the substantive vacancies the order of large scale ad-hoc promotion is oppose to public policy/Govt. policy. By the impugned order dated 26/09/2003, 220 posts of Assistant Director/Section Officer/manager Grade-I has been promoted in the month of September 2003 and those offices who have availed such ad-hoc promotion are still continuing on ad-hoc basis without any break. As for example Sri Pradip Sutradhar, Respondent No. 5, who is junior to the applicant, is placed at Sl. No 126 in the ad hoc promotion order dated 26.09.2003, who is still continuing on promotion on ad hoc basis pursuant to the order dated 26.09.2003. In this connection it may be stated that said Sri Pradip Sutradhar initially posted in the State of West Bengal pursuant to the ad-hoc promotion order dated 26.09.2003. However, vide office order No. 80 of 2005, issued under letter No. 41. A.20/11/14/2003 Estt-I dated 14.10.2005, he was transferred and posted at Guwahati following the Head quarter office order No. 296 of 2005 issued under communication No. A-22913) 1/2004 E-1 dated 27.06.2005 in the same capacity as ad-hoc Manager Grade-I. Therefore it appears that the respondents Corporation are interested to utilize the services of their employees by way of granting ad-



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hoc promotion for years together in a most arbitrary manner without conferring the benefit of seniority as well as without holding DPC for effecting regular promotion.

It is relevant to mention here that in the impugned promotion order dated 26.09.2003 the name of the present applicant is also figured at Sl. No. 28, but the applicant did not avail of ad-hoc promotion firstly on the ground that the said benefit of ad-hoc promotion may be terminated at any time without issuing any notice, secondly there is a specific condition that seniority benefit shall not be conferred in the event of availing ad-hoc promotion, thirdly, on the ground that service likely to be rendered on ad-hoc period shall not be counted towards regular promotion or for eligibility for future promotion. Moreover such ad-hoc promotion involves transfer and posting from one State to another State during the middle of the academic session since my son was reading at Class X during the month of September' 2003 and that was a mid academic session, moreover, the order of ad-hoc promotion dated 26.09.2003 has been issued imposing arbitrary conditions denying benefit of seniority as well as the same is issued with the threat of termination of ad hoc promotion at any time without assigning any reason and also issued in violation of local arrangement policy which is normally made in the event of effecting ad hoc promotion for a temporary period. It appears from the arbitrary action of the respondents that they have resorted to ad hoc promotion policy with the sole intention to spoil the service prospect of the employees including the applicant serving in the corporation. There is no initiation on the part of the respondent to hold the regular DPC for filing up of large scale vacancies on regular basis and pursuant to the impugned promotion order dated 26.09.2003, those ad-hoc appointees/promotes are still continuing in the promotional post even after a lapse of more than 2 (two) years. In violation of sub-section 3 of Section 17 of the Employees State Insurance Act, 1948, wherein it has been stated that any officiating or temporary appointment shall not exceed 1 year, the

Jagat Singh

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relevant portion of section 17 of the E.S.I.C Act, 1948 is quoted below for perusal of the Hon'ble Court.

"17. Staff.- (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government].

(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of the members of the staff under clause (a). The Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the corporation shall refer the matter to the Central Government whose decision thereon shall be final.]

(3) 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:

Jagat Bala Nath

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Provided that this sub-section shall not apply to an officiating or temporary appointment for [a period] not exceeding one year.

{Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade].

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]'

Be it stated that the posts of Assistant Director/Section Officer/Manager Grade-I fall within Group 'B' category. It is also relevant to mention here that the post of assistant Regional Director subsequently re-designated as assistant Director. It is ought to be mention here that the post of Insurance Inspector/Manager Grade-II/ Superintendent having equivalent rank and status with same scale of pay and the promotional avenue from the aforesaid post are same and interchangeable i.e. in the cadre of Assistant Director/Manager Grade-I/Section Officer/Deputy Accounts officer. The promotion of the applicant in the next higher grade is governed by the Employees State Insurance Corporation (Assistant Regional Director/Manager Grade-I/Section Officer/Deputy accounts officer recruitment regulation 1996), wherein 3 years regular service has been prescribed for promotion from the cadre of Insurance Inspector/Manager Grade-II/Superintendent to the cadre of Assistant Regional Director/Manager Grade-I/Section officer/Deputy Accounts Officer.

Jagat Narain

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(Copy of the recruitment regulation 1996 and extract of section 17 of the E.S.I.C Act 1948 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I and II respectively).

4.7 That it is stated that many of the officers working in the corporation did not avail ad-hoc promotion offered vide office order dated 26.09.2003, in view of the fact that the promotion order is conditional and arbitrary since there is a specific declaration that the ad hoc appointee/promotee shall not be entitled to seniority benefit and the adhoc promotion may be terminated at any point of time without assigning any reason, so under such a threat normally senior employees like the applicant may not be inclined to avail the ad-hoc promotion and more so on the ground that when such ad-hoc promotion is involved transfer and positing from one State to another State.

Copy of the impugned order dated 26.09.2003 is enclosed as
Annexure- III.

4.8 That it is stated that impugned order dated 26.09.2003, whereby large numbers of vacancies nearly 220 promotional posts which fall vacant since 2000/2001 have been filled up on ad-hoc basis denying regular promotion benefits to the eligible employees of Corporation including the present applicant. The present applicant is highly aggrieved for non-conducting of regular DPC for consideration of promotion of the applicant to the grade of Assistant Director/Section Officer/Manager Grade-I inspite of availability of large number of vacancies since 2000-2001. The applicant is further aggrieved due to continuation of the ad-hoc promotion of employees/ promotes, who have availed promotion vide office order dated 26.09.2003 since continuation of the ad-hoc promotion beyond 1 year without approval of the UPSC is contrary to the provision laid down in Sub- Sec (3) of Sec 17 of the ESIC Act 1948 and on that score alone the impugned office order dated 26.09.2003 is liable to be set aside and quashed.

Jagalsarnam

4.9 That it is stated that while the ad-hoc appointees/promotes are working on ad-hoc basis beyond 2 years in violation of Sub Sec (3) of Sec 17, where permissible limit for ad-hoc promotion is 1 year but those ad-hoc appointees are still continuing and surprisingly in the meanwhile another impugned ad-hoc promotion order has been issued vide office order No. 500 of 2005 bearing letter No. A 33/12/1/97-E.I col 11 dated 19.10.2005, whereby as many as 170 officers including the applicant have been promoted again on ad-hoc basis with similar arbitrary terms and conditions such as there will be no seniority benefit in the event of availing ad-hoc promotion and the ad-hoc service shall not be counted towards future promotion and also with the condition that the ad-hoc promotion may be terminated at any point of time without assigning any reason or show cause and the said ad-hoc promotion also involves transfer and posting from one State to another State with the aforesaid arbitrary condition. Whereas Govt. of India time to time issued instructions to all Govt. Departments, Corporations, Public Sector undertakings and Public Enterprises not to resort to ad-hoc appointment/promotion except in a exceptional or in an emergent situation in public interest but in the instant case there is deliberate violation of such instructions issued by the Govt. of India, wherein it has been stated that ad-hoc promotion must be limited to only 1 year and the same if necessary to be continued beyond 1 year DOPT permission must be obtained and approval of the appointment committee of the Cabinet must be obtained prior to the promotion being actually made. The relevant provisions for granting ad-hoc promotion laid down by the Govt. of India would be evident from Chapter 21 of the ad-hoc appointments/promotion from Swamy's Complete Manual on Establishment and Administration (9th Edition). However, in the instant case none of the instructions followed by the Corporation, which is functioning under Ministry of Labour, Govt. of India and on that score alone the impugned office order dated 26.09.2003 as well as impugned order dated 19.10.2005 are liable to be set aside and quashed.

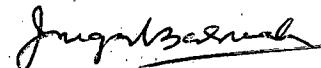
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(Copy of the impugned order dated 19.10.2005 and Govt. of India's instruction on ad-hoc appointments/promotions (Page 222-225) are enclosed as Annexure-IV and V respectively).

4.10 That it is stated that as per Govt. of India's instruction the DPC should be conveyed at regular intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. A vacancy shall be filled in accordance with recruitment rule in force on the date of vacancy. The requirement of convening annual meeting of DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled up by promotion or no officers are due for confirmation during the year in question. But surprisingly none of the instructions has been followed in the instant case of the applicant by the respondent Corporation and there is a deliberate and willful violation of the Govt. Rules or instructions by a Corporation like ESIC and on that ground alone the order of adhoc promotions issued under the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.11 That it is relevant to mention here that since another recent order of ad hoc promotion has been issued, therefore, the respondent Corporation will not take any further initiative for holding regular DPC for promotion of the applicant to the cadre of Asstt. Director/Manager Gr. I/Section Officer in the pay scale of Rs. 6,500-10,500/- It is ought to be mentioned here that due to denial of regular promotion the present applicant is incurring huge financial loss in each and every month and further promotion and service prospect and as such it is a continuous wrong and on that score alone the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.12 That it would be evident from the Chapter 54 of the Swamy's Complete Manual on Establishment and Administration for Central Government



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Offices (9th Edition) where necessary instructions have been given by the Govt. of India from time to time regarding holding of DPC with regular interval, in order to provide regular promotion to the eligible employees in time.

Extract of instructions issued by the Govt. of India regarding promotion of employees (Page 831 from Swamy's Manual on Establishment and Administration) is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.13 That it is stated that applicant has attained eligibility for promotion to the grade of Asstt. Director/Manager Gr. I/Section Officer way back in the year 1993 but after a lapse of 12 years the applicant has not been considered for promotion on regular basis inspite of availability of large numbers of vacancies due to non-holding of DPC as such prospect of promotion of the applicant in the next higher grade is also adversely effected. In such a compelling circumstances the applicant submitted a representation on 03.01.2006 addressed to the Director General, ESIC, New Delhi with the request to consider his case for regular promotion since large number of vacancies are available in the promotional grade of Asstt. Director/Manager Gr. I/Section Officer.

In the circumstances as stated above the applicant is approaching this Hon'ble Tribunal for a direction upon the respondents to consider the case of the applicant for promotion on regular basis to the grade of Asstt. Director/Manager Gr. I/Section Officer by holding DPC immediately and also be pleased to pass order directing the respondents to grant promotion at least from the date of availability or occurring vacancy in the promotional cadre with all consequential service benefits including seniority and arrear monetary benefits.

Copy of the representation dated 03.01.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VII

4.14 That the respondent No. 5 Shri P. Sutradhar has been impleaded as a private respondent in the instant Original Application since the applicant praying for setting aside of the adhoc promotion order dated 26.09.2003 as well as order dated 19.10.2005. Shri P. Sutradhar is impleaded as private respondent with the view of intention that he will represent other adhoc appointees/promotees who are likely to be effected in the event of setting aside of the impugned promotion order dated 26.09.2003 as well as impugned order dated 19.10.2005 and at the same time it is declared that the Original Application has been filed against the existing policy of adhoc promotion adopted by the respondent Corporation.

Copy of the order dated 14.10.2005 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VIII.

4.15 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, in terms of Sub Section (3) of the Section 17 of the ESIC Act 1948 specifically provided that the officiating or temporary promotion should not continue beyond 1 year.

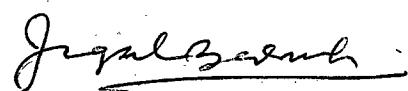
5.2 For that, the adhoc appointees/promotees, promoted vide impugned order dated 26.09.2003 as well as dated 19.10.2005 are still continuing for more than 2 years in violation of Sub sec (3) Section 17 of the ESIC Act 1948.

5.3 For that, the respondent Corporation did not take any approval from UPSC for continuing the officiating/adhoc promotion beyond 1 year and the ESIC Act 1948 specifically declared a bar for allowing adhoc promotion beyond 1 year without approval of UPSC.

Jagat Saini

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- 5.4 For that, it is mandatory on the part of the respondent Corporation to hold regular/frequent DPC for consideration of promotion of eligible Govt. employees who fall within the zone of consideration for filling up the existing and anticipatory vacancies.
- 5.5 For that, large numbers of regular vacancies fall vacant since 2000-2001 in the cadre of Asstt. Director/Manager Gr. I/Section Officer in the respondent Corporation but neither any effort is made nor any initiation is taken from the end of respondent Corporation to fill up the vacancies by promoting the eligible officers like the applicant in the higher post on regular basis.
- 5.6 For that, inspite of availability of large number of vacancies in the cadre of Asstt. Director/Manager Gr. I/Section Officer the respondent Corporation resorted to fill up the promotional post on adhoc basis with arbitrary terms and conditions which is contrary to the instructions issued by the Govt. of India from time to time.
- 5.7 For that, adhoc appointees/promotees who were appointed/promoted way back in 2003, pursuant to the Corporation's order dated 26.09.2003 are still continuing on adhoc promotion in violation of provision laid down in Sub sec (3) of Section 17 of the ESIC Act 1948.
- 5.8 For that the adhoc promotees are continuing beyond 2 years who were appointed pursuant to the order dated 26.09.2003 in violation of provisions of ESIC Act 1948.
- 5.9 For that Govt. of India repeatedly instructed all Central Govt. departments, Corporation, Govt. undertakings, Public Enterprises not to fill up the vacancies on adhoc basis except exceptional circumstance if exists and restricted such adhoc promotion/appointment limited to only 1 year.



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- 5.10 For that as a result of non-holding of DPC, the service prospect of the applicant has been adversely effected as because he is loosing seniority, fixation benefit in the higher scale of pay and his promotion prospect for next higher post has also been suffered adversely.
- 5.11 For that the Govt. of India issued instructions to hold DPC on regular interval for consideration of promotion of eligible officers but the respondent Corporation deliberately violated the said instructions and resorted to adhoc promotion.
- 5.12 For that the applicant has attained eligibility for promotion in the grade of Asstt. Director/Manager Cr. I/Section Officer way back in the year 1993 but inspite of availability of vacancies since 2000-2001 the case of the applicant has not been considered for regular promotion by holding regular DPC deliberately in violation of Govt. instructions issued from time to time.
- 5.13 For that respondents Corporation again issued another promotion order vide officer order dated 19.10.2005 imposing arbitrary conditions of adhoc promotions denying seniority benefit in the event of availing adhoc promotion and also there is a threat of reversion in the lower post without issuing any notice.
- 5.14 For that juniors of the applicant are also being allowed on officiating/ adhoc promotion for more than 2 years without making any effort to hold regular DPC with the deliberate intention to deny regular promotion to the applicant.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

Jagat Singh

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them except O.A. No. 5/2006, now pending before this Hon'ble Tribunal.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Ass'tt, Director/Manager Gr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Jagat Singh

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief:-

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

10.

11. Particulars of the I.P.O

i) I.P.O No.	: 26 G 319021.
ii) Date of issue	: 25. 1. 2006.
iii) Issued from	: G Po. Guwahati.
iv) Payable at	: G Po. Guwahati.

12. List of enclosures:

As given in the index.

Jagat Bora

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VERIFICATION

I, Shri Jugal Baruah, S/o- Late Kula Chandra Baruah, aged about 50 years, working as Superintendent, in the Regional office, Employees State Insurance Corporation, Bamunimaidan, Guwahati- 21, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 6th day of February 2006.



30/11/64

भारत का गाजीत The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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संख्या १] महिला, रामगढ़, जनवरी ५, १९९७ (प्राप्त १५, १९१८)
No. १] रामगढ़, जनवरी ५, १९९७ (प्राप्त १५, १९१८)

NEW DELHI, SATURDAY, JANUARY 4, 1997 (PUASA 14, 1918)

हिन्दू पाठ सिद्धि (१८५०-१८५१) को तातो है। यह यह पाठ विभिन्न लक्षण व रूपों को
separate pagings is given to this Part in order that it may be filed as a separate compilation).

ਪਾਈ III ਖਣਡ 4
(PART III—SECTION 4)

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

ગાલીન રિસર્ચ ફિલ્મ

केन्द्रीय राज्यव्य

ગરાની બ્રોઝ વેન્દ લેણા દિવાણ

वर्णा, दिनांक १ मार्च १९८७

(1)

A. Harshad
Surajit Chatterjee
Advocates.

1-39931/96

1	2	3	4
41. 201693	Mr. Ramakrishnan S. ACA Asst. Vice President Bank of America 748 Anna Salai Madras 600 002		26-08-96
42. 202978	Ms. Sangeeta Harbanslal Gupta, ACA Chartered Accountant M/s Lovelock & Lewes 4th Floor Lingapur House Himayatnagar Hyderabad 500 029		24-06-96

K.R.A.N. IYER
Secretary (Current Charge)

EMPLOYEES' STATE INSURANCE CORPORATION

New Delhi, the 20th December 1996

No. A-2(1)-1/87-B-1(A).—In exercise of the powers conferred by sub-section (1) of section 97 read with clause (xxi) of sub-section (2) and sub-section (2A) of that section and sub-section (2) of section 17 of the Employees' State Insurance Act, 1948 (34 of 1948 as amended) and in supersession of Employees' State Insurance Corporation (Recruitment) Regulations, 1965, in so far as they relate to the posts of Assistant Regional Director/Manager Grade-I/Section Officer/Dy. Account Officer as amended from time to time, except in respect of the things done, or omitted to be done before such supersession, the Corporation hereby makes, with the approval of the Central Government, the following regulations, regulating the method of recruitment to the post of Assistant Regional Director/Manager Grade-I/Deputy Accounts Officer/Section Officer, namely:—

1. Short Title and Commencement

- These Regulations may be called Employees' State Insurance Corporation (Assistant Regional Director/Manager Grade-I/Section Officer/Deputy Accounts Officer) Recruitment Regulations, 1996.
- They shall come into force on the date of their publication in the Official Gazette.

2. Number of Post, Classification and Scale of Pay

The number of the posts, their Classification and the scale of pay attached thereto, shall be as specified in column 2 to 4 of the schedule annexed to these regulations.

3. The Method of Recruitment, Age Limit, Qualification

The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be specified in column 5 to 14 of the said schedule.

4. Disqualification

No Person:—

(a) who has entered into or contracted a marriage with a person having spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts, provided that the Director General of the Corporation, may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of these regulations.

5. Power to Relax

Where the Director General of the Corporation is of the opinion that it is necessary or expedient so to do, he may, after taking prior approval of the Central Government, and in consultation with the Union Public Service Commission, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of person.

6. Residuary Matters

Subject to the provisions of these regulations, all other regulations and instructions laid down in E.S.I. Corporation (Recruitment) Regulations, 1965 as amended from time to time, applicable to the corresponding category of Officers in the Corporation, shall apply to the post specified in the Schedule annexed to these regulations.

7. Savings

Nothing in these regulations shall affect reservations and other concessions required to be provided for the Scheduled Castes the Scheduled Tribes, OBCs and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

S. K. SHARMA
Director General

10

RECRUITMENT RULES FOR THE POST OF ASSISTANT REGIONAL DIRECTOR/
MANAGER GRADE-I/ SECTION OFFICER/DEPUTY ACCOUNTS OFFICER

IN THE ESI CORPORATION

Name of Post	No. of post	Classification	Scale of pay (Rs.)	Whether selection or direct non-selection post	Age limit for selection or direct non-selection recruits	Whether benefit of added years of service admissible	Educational qualification reqd. for direct admission	Educational qualifications for direct recruits	Whether ago & educational qualifications prescribed for direct recruits will apply in the case of promoted	Period of probation
1	2	3	4	5	6	7	8	9	10	
Asst. Regional Director/ Manager	8141	Group B	2000-60 2300- EB- 75-3200- 100- 3600-	selection	Not applicable	Not applicable	Not applicable	Not applicable		
Gr. I/ Section Officer/ Dy. Accounts Officer									2 years	
*(1996) Subject to variation Dependent on workload.										

Method of Recrt. whether by Direct Recrt. or by promotion/transf. & % of the vacancy to be filled by various method:	In case of Recrt. by Promotion Deputation/Transfer, Grades from which promotion/deputation/transfer to be made.	If A DPC exists what is its composition	Circumstances in which U.P.S.C. to be consulted in making recrt.
11	12	13	14
Promotion	Promotion Insurance Inspector/Manager Grade II/ Supdt. in the pay Scale of Rs. 1640-2900 with three years regular service in the grade. Note : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their Seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years which ever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.	DPC (For considering Promotion) 1. Chairman/Member, U.P.S.C. : Chairman 2. Insurance Commissioner, E.S.I.C. : Member 3. Director of Administration, E.S.I.C. : Member	Consultation with U.P.S.C. necessary

(Exhibit)

16. **Principal Officers.**— [(1) The Central Government may, in consultation with the Corporation, appoint a Director General and a Financial Commissioner.]

(2) The Director General shall be the Chief Executive Officer of the Corporation.

(3) [The Director General and The Financial Commissioner] shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government [and of the Corporation].

(4) [The Director General or the Financial Commissioner] shall hold office for such period, not exceeding five years as may be specified in the order appointing him. An outgoing [Director General or Financial Commissioner] shall be eligible for reappointment if he is otherwise qualified.

(5) [The Director General or the Financial Commissioner] shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified from being appointed as or for being [the Director General or the Financial Commissioner] if he is subject to any of the disqualifications specified in section 13.

(7) The Central Government may at any time remove [the Director General or the Financial Commissioner] from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. **Staff.**—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government].

[(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

1. Subs. by Act 29 of 1989, sec. 6, for sub-section (1) (w.e.f. 20-10-1989).

2. Subs. by Act 29 of 1989, sec. 6, for "The Principal Officers" (w.e.f. 20-10-1989).

3. Ins. by Act 44 of 1966, sec. 10 (w.e.f. 17-6-1967).

4. Subs. by Act 29 of 1989, sec. 6, for "A Principal Officer" (w.e.f. 20-10-1989).

5. Subs. by Act 29 of 1989, sec. 6, for "Principal Officer" (w.e.f. 20-10-1989).

6. Subs. by Act 38 of 1975, sec. 3, for "with a maximum monthly salary of five hundred rupees and above" (w.e.f. 1-9-1975).

7. Subs. by Act 29 of 1989, sec. 7, for "exceeds two thousand and two hundred fifty rupees".

8. Subs. by Act 29 of 1989, sec. 7(ii), for sub-section (2) (w.e.f. 1-11-1989).

(b) In determining the corresponding scales of pay of the members of the staff under clause (a), the Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.]

[(3) 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.

[Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade].

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]

18. **Powers of the Standing Committee.**—(1) Subject to the general superintendent and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. **Corporation's power to promote measures for health, etc., of insured persons.**—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

20. **Meetings of Corporation, Standing Committee and Medical Benefit Council.**—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

1. Subs. by Act 44 of 1966, sec. 11, for "post carrying a maximum monthly pay to five hundred rupees and above" (w.e.f. 17-6-1967).

2. Ins. by Act 29 of 1989, sec. 7(iii)(a) (w.e.f. 16-5-1990).

3. Subs. by Act 45 of 1984, sec. 3, for "Class I or Class II" (w.e.f. 27-1-1985).

4. Subs. by the A.O. 1950, for "Federal".

5. Subs. by Act 29 of 1989, sec. 7(iii)(b), for "and aggregate period" (w.e.f. 20-10-1989).

6. Ins. by Act 29 of 1989, sec. 7(iii)(c) (w.e.f. 20-10-1989).

7. Ins. by Act 44 of 1966, sec. 11 (w.e.f. 17-6-1967).

Attested
Surya Chaudhary
Govt. of India

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Dated: 20.09.2003

No. A-22/13/1/2003-E.I(A)

OFFICE ORDER NO. 814 OF 2003

Annexure-III

The following promotions/transfers/postings are ordered by the Competent Authority:-

Sl. No.	Name of the Officer S/Shri/Ms.	Present place of posting as I.I / Mgr. Gr.II / O.S	Region/Sub-Region/Office in which posting is now ordered as Asst. Director/ Section Officer/ Manager Gr. I on ad-hoc basis
1.		3	
1.	N.D. Chawla	Maharashtra	Thane Sub-Region
2.	P.K. Sudeshan	Rajasthan	Kerala
3.	K.J. Rao	Andhra Pradesh	Andhra Pradesh
4.	P. Venkatachalam (ST)	Tamil Nadu	Tamil Nadu
5.	Ravindra Nath Ojha	Madhya Pradesh	A.D. R.O. Madhya Pradesh.
6.	Nizamuddin	Karnataka	Hubli Sub-Region
7.	H.J. Sagar	Karnataka	Hubli Sub-Region
8.	JS. Gawade	Pune	Pune Sub-Region
9.	K.S. Chauhan	Gujarat	Gujarat
10.	B.D. Patted	Karnataka	Karnataka
11.	Mohan Singh Rawat	Rajasthan	Haryana
12.	P.G. Narvankar	Maharashtra	Mumbai
13.	Rehan Ganj	Madhya Pradesh	Madhya Pradesh
14.	A.M. Ramanathan	Karnataka	Karnataka
15.	G.K. Bandyopadhyay	West Bengal	West Bengal
16.	Karan Singh	Haryana	Haryana
17.	SU. Sule	Maharashtra	Mumbai
18.	R. Nageswaran	Tamil Nadu	Vijayawada Sub-Region
19.	Mrs. R. Banumathi	Coimbatore	Coimbatore
20.	D. Yogananda Rao	Tamil Nadu	Pondicherry
21.	K. Prakasam	Andhra Pradesh	Andhra Pradesh
22.	GS. Murthy	Andhra Pradesh	Andhra Pradesh
23.	K. Vijayan	Kerala	Kerala
24.	Kamalakar Kelkar	Pune	Hubli Sub-Region
25.	Gangabishan	Delhi	Delhi
26.	Manjeet Singh-II	Delhi	Delhi
27.	PK. Kundu	West Bengal	West Bengal
28.	Jugal Barua	Assam	West Bengal
29.	A. Jothi Pandian	Tamil Nadu	Vijayawada Sub-Region
30.	PV. Lazar	Kerala	Coimbatore
31.	U. Rajendran	Coimbatore	West Bengal
32.	Kanti Ranjan Munshi	West Bengal	West Bengal
33.	Bachna Ram	Punjab	Punjab
34.	MK. Jain	Rajasthan	Rajasthan
35.	R. Kasinathan	Karnataka	Karnataka
36.	BA. Parvathil	Karnataka	Hubli Sub-Region
37.	CH. Admane	Nagpur	Nagpur
38.	PV. Santha Kumar	Tamil Nadu	Tamil Nadu
39.	Basudeb Mukhopadhyay	West Bengal	West Bengal
40.	CM. Malhotra	Haryana	Haryana
41.	KP. Hariharan	Tamil Nadu	Tamil Nadu
42.	V. Madhavi RV. Ramanl	Pune	Hubli Sub-Region
43.	SK. Pal	West Bengal	West Bengal
44.	Anil Kumar Banerjee	Uttar Pradesh	Uttar Pradesh
45.	JK. Sabnis	Maharashtra	Uttar Pradesh
46.	VP. Sinha	Bihar	Uttar Pradesh
47.	Ram Chandra Kalbhor	Pune	Bihar
48.	TK. Sharma	Rajasthan	Patna Sub-Region
49.	Om Prakash	Haryana	A.P. (RCA), Surat
50.	K. Raghurama V. Shetty	Maharashtra	Haryana
51.	VS. Katre	Pune	Hypothal.
52.	Mrityunjay Pal	West Bengal	Patna Sub-Region
53.	Mangal Bhattacharjee	West Bengal	West Bengal
54.	TR. Pandey	Delhi	West Bengal
55.	Rakesh Kumar Gupta	Uttar Pradesh	Uttar Pradesh
56.	RN. Mohrana	Madhya Pradesh	Madhya Pradesh
57.	Jagannathan R	Karnataka	Karnataka

A. Teekay Choudhury
Addl. Secy.

1	2	3	4
58.	Ajay Kumar	Delhi	Delhi
59.	Prakash Chand	Hrs.	Delhi
60.	S.C. Gupta	Delhi	Delhi
61.	R.C. Taiwar	Delhi	Harid Sub-Region
62.	V.K. Roda	Delhi	Baroda Sub-Region
63.	J. Kumaraswami	Andhra Pradesh	Vijayawada Sub-Region
64.	V.K. Taneja	D(MJD)	Punjab
65.	M. Kalayanan	Tamil Nadu	Vijayawada Sub-Region
66.	R.K. Chakraborty	West Bengal	West Bengal
67.	S. Jayaraj	Tamil Nadu	Vijayawada Sub-Region
68.	B. L. Pachoria	Madhya Pradesh	Madhya Pradesh
69.	Smt. Vijayalakshmi	Andhra Pradesh	Andhra Pradesh
70.	K.K. Gupta	Rajasthan	Rajasthan
71.	VS Parmar	Gujarat	Gujarat
72.	AS Mahida	Maharashtra	Mumbai
73.	RN Brahme	Maharashtra	Mumbai
74.	LC Suryavanshi	Nagpur	Nagpur Sub-Region
75.	SH Ganesh	Nagpur	Nagpur Sub-Region
76.	VP Kadam	Pune	Pune Sub-Region
77.	SD Katre	Pune	Andhra Pradesh
78.	V Aruna Kumar	Andhra Pradesh	West Bengal
79.	D.K. Sammadhar	West Bengal	Haryana
80.	Prakash Chand	Haryana	Andhra Pradesh
81.	P. Anandarao	Andhra Pradesh	Punjab
82.	Surjan Lal	Punjab	Karnataka
83.	S. Subramani	Karnataka	Andhra Pradesh
84.	K. Madhava Rao	Andhra Pradesh	Jhawada Sub-Region
85.	D. Vijay Kumar	Andhra Pradesh	Andhra Pradesh
86.	A.B. Sastry	Andhra Pradesh	Haryana
87.	Rama Chopra	Hrs.	Haryana
88.	Prem Chand	Punjab	Jhajab
89.	K.O. Rappal Kutty	Kerala	Kerala
90.	S.S. Srivastava	Uttar Pradesh	Uttar Pradesh
91.	Parveen Moudgil	Haryana	Kerala
92.	K.P. Jose	Kerala	ESIC Sub-Region
93.	Ramesh Kumar Chotla	Punjab	Uttar Pradesh
94.	Mukti. Ashfaque	Madhya Pradesh	Kerala
95.	K.N. Vlkrannan	Kerala	ESIC H. Nagda
96.	Anand Kumar	Haryana	Madura
97.	Sharda Manjunath	Andhra Pradesh	Andhra Pradesh
98.	Pankaj Kumar	Delhi	Madras
99.	T.E. Venkatesan	Tamil Nadu	Madras
100.	R. Velu	Tamil Nadu	ESIC H. Nagda
101.	Ravish Chandra Mandrol	Madhya Pradesh	Chennai
102.	C.N. Raji	Chennai	ESIC H. Nagda
103.	M. Rajendran	Madurai	ESIC H. Nagda
104.	Vasudev	Rajasthan	ESIC H. Nagda
105.	R.P. Sharma	Rajasthan	ESIC H. Nagda
106.	Boben Rapheel	Kerala	Kerala
107.	K. Santhalakshmi	Tamil Nadu	Tamil Nadu
108.	K.N. Radhakrishnan	Kerala	Kerala
109.	S. Pysone Gnanara	Madurai	Madurai Sub-Region
110.	S. Thaulath Khan	Tamil Nadu	Pondicherry
111.	K. Sasidharan	Kerala	Kerala
112.	J. Karunanidhi	Tamil Nadu	Vijayawada Sub-Region
113.	G. Kuruppan	Kerala	Kerala
114.	Praveen Kumar	Hrs.	S.O. Hrs.
115.	Bandaru Subba Rao	Madras	Mumbai
116.	S. Ganesan	Madurai	Madurai Sub-Region
117.	J. Verghese	Kerala	Kerala
118.	Tessy Franco	Kerala	Kerala
119.	Debabrata Pramanik	West Bengal	West Bengal
120.	P.R. Valsampayan	Madras	Mumbai
121.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
122.	Ravinder Singh	Uttar Pradesh	Uttar Pradesh
123.	G. Vasantha Kumari	Madurai	Madurai Sub-Region
124.	Ram Sudhar Ram	Uttar Pradesh	Uttar Pradesh
125.	G. Selvakumar	Tamil Nadu	Tamil Nadu
126.	P. Sutradhar	Assam	West Bengal
127.	Subodh Kr. Sasmal	West Bengal	West Bengal

2	3	4
287. E.D.Ravindran	Kerala	Kerala
29. Sindo Ram	Punjab	Punjab
130. A.K.Nim	Delhi	Madhya Pradesh
131. Bihari Ram	Gujarat	Gujarat
132. P.Kamarel	Tamil Nadu	Tamil Nadu
133. S.Mahalingam	Madurai	Madurai Sub-Region
134. Anal Kumar Pal	Bihar	Jharkhand
135. M.Biswasli	Assam	West Bengal
136. M.Doral	Karnataka	Andhra Pradesh
137. Chander Singh	Haryana	Haryana
138. Chandra Parkash	Bihar	Bihar
139. Mohinder Singh	Rajasthan	Nagpur Sub-Region
140. L.B.Yadav	Maharashtra	Mumbai
141. T.R.Unnikrishnan	Maharashtra	Marol Sub-Region
142. Mangalam Gogoi	Hqrs.	S.O. Hqrs.
143. A.L.Trivedi	Gujarat	Gujarat
144. N.I.Painter	Gujarat	Gujarat
145. N.G.Panchal	Gujarat	Gujarat
146. D.A.Thakkar	Gujarat	Gujarat
147. P.S.Peswani	Gujarat	Gujarat
148. C.S.Parsad	Bihar	Bihar
149. L.N.Joshi	Gujarat	Gujarat
150. C.B.Patel	Gujarat	Gujarat
151. M.P.Rami	Gujarat	Gujarat
152. M.S.Patel	Gujarat	Gujarat
153. D.H.Prajapati	Gujarat	Gujarat
154. P.K.Gupta	Rajasthan	Pune Sub-Region
155. M.Laxaminarayana	Andhra Pradesh	Andhra Pradesh
156. Gurbachan Dass	Haryana	Haryana
157. Jaglal Chaudhary	Bihar	West Bengal
158. B.Balakrishnan	Andhra Pradesh	Andhra Pradesh
159. M.Velayudhan	Kerala	Kerala
160. D.S.Poonya	Maharashtra	Marol Sub-Region
161. M.Siddarama	Karnataka	Karnataka
162. Kanwal Nain	Punjab	Punjab
163. S.C. Mondal	West Bengal	West Bengal
164. R.N. Rana	Orissa	West Bengal
165. S.C. Mishra	Hqrs.	Madhya Pradesh
166. Chander Shekhar	Punjab	Punjab
167. Vir Sen	Haryana	Haryana
168. I.M. Kapoor	Punjab	Punjab
169. K.S. Rawat	Punjab	Punjab
170. Mohd. Ishaq	Rajasthan	Rajasthan
171. U.Mohrana	Orissa	West Bengal
172. S.K.Das	(SC)	West Bengal
173. G.Chandrasekhar	(SC)	Karnataka
174. T.Santhamra	(SC)	Karnataka
175. S.G. Desal	Karnataka	Karnataka
176. S.K. Chaturvedi	Gujarat	Baroda Sub-Region
177. Rejbir Singh	Hqrs.	Uttar Pradesh
178. Ram S. Kunharllya	(SC)	Delhi
179. Rejbir Lal	Rajasthan	Pune Sub-Region
180. T.R.Narasing Rao	(ST)	Delhi
181. V.K.Narayanan	(ST)	Andhra Pradesh
182. Mrs. Nallini	(SC)	Kerala
183. Mrs. T.N.Thankamani	(SC)	S.O. Hqrs.
184. Smt. M.Aminini	(SC)	Kerala
185. Kanhaiya Lal	(SC)	Kerala
186. Chander Sen	(SC)	Marol Sub-Region
187. K.Devraj	(SC)	Thane Sub-Region
188. P.K.Krishnan	(SC)	Karnataka
189. Har Sahal	(SC)	Kerala
190. P.K.Pappu	(SC)	Uttar Pradesh
191. N.Loganathan	(ST)	Kerala
192. R.Raju	(ST)	Kerala
193. Jal Narain Meena	(ST)	Karnataka
194. Kikumba Longchar	(ST)	Pune Sub-Region
195. Hershran Meena	(ST)	Assam
196. Ramesh M. Muddur	(ST)	Uttar Pradesh
197. K.R.Vijayan	(SC)	Karnataka

1	2	3	4
198.	Pritam Chand (SC)	Delhi	Thane Sub-Region
199.	S.Ashok Kumar (SC)	Madurai	Vijayawada Sub-Region
200.	Raghbir Singh (SC)	Uttar Pradesh	Uttar Pradesh
201.	V.Srinivas (SC)	Karnataka	Vijayawada Sub-Region
202.	H.P.Jansari (SC)	Gujarat	Gujarat
203.	P.D.Parmar (SC)	Gujarat	Gujarat
204.	K.B.Chavda (SC)	Gujarat	Baroda Sub-Region
205.	D.B.Londhe (SC)	Maharashtra	Thane Sub-Region
206.	S.B.Deolakar (SC)	Maharashtra	Thane Sub-Region
207.	Sudhir Kr.Roy (SC)	West Bengal	West Bengal
208.	Bhimal Ram (SC)	West Bengal	West Bengal
209.	Pankaj Kr.Dhalli (SC)	West Bengal	West Bengal
210.	Sujit Kr.Tikadar (SC)	West Bengal	West Bengal
211.	A.L.Sarode (SC)	Pune	Pune Sub-Region
212.	S.B.Sonawane (SC)	Pune	Pune Sub-Region
213.	Heera Singh (ST)	Delhi	Thane Sub-Region
214.	Laxman Narain Meena (ST)	Rajasthan	Pune Sub-Region
215.	Sugan Lal Meena (ST)	Rajasthan	Andhra Pradesh
216.	Trit Kant Choudhary (ST)	West Bengal	West Bengal
217.	Sonam (ST)	Punjab	Punjab
218.	Mahadev Meena (ST)	Rajasthan	West Bengal
219.	Debasish Baruah (ST)	West Bengal	West Bengal
220.	Rajendra Tudu (ST)	Bihar	West Bengal

The promotion of all the officials is ordered purely on temporary and ad-hoc basis. They are likely to be reverted to their lower post without any notice or assigning any reason therefor. It is made clear to them that the ad-hoc promotion shall not confer on them any right either to continue in the post or for regular promotion in future. The period of service rendered by them on ad-hoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of these officers on promotion in the pay scale of Rs. 6500 -10500/- will be fixed under the normal rules.

All postings are ordered in public interest and the officers are entitled to TA, DA and Joining Time as per rules, wherever admissible.

All the officers except those shown against Sl. Nos. 5,37,87, 101,103,104,114, 142, 170 and 182 are posted as Managers Grade I in the Regions/ Sub-Regions shown against each in Col. No. 4. Their services will be utilized only as Managers Grade I in the upgraded Local Offices. The order in respect of the officers shown against Sl. Nos. from 1 to 4 are issued in partial modification of the earlier Office Order No. 375 of 2003 of 20.6.2003 and the Office Order No. 403 of 2003 dated 8.7.2003.

This order comes into force with immediate effect.

The officers posted as Managers Grade I outside their present Regions / Offices of postings will be relieved by their controlling officers only after the orders regarding their places of postings in the new Regions / Sub-Regions are received by them.

The charge report(s) may be sent to all concerned.

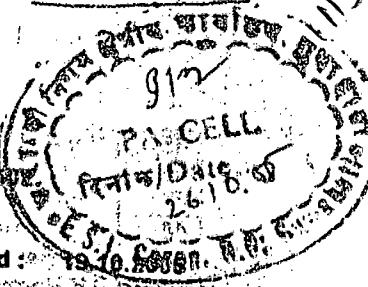
Hindi version will follow.

26.5.2003
(R. NATARAJAN)
JOINT DIRECTOR-I (A)

1. The Officers concerned
2. All the Officers of the Hqrs. Office
3. All the Regional Directors
4. All the Directors
5. All the Jt. Directors I/c of the SROs
6. D(M)Delhi/ D(M) Noida/ Director, ESI Hospital, K.K. Nagar/ Director (Family Welfare Project), New Delhi.
7. All the Medical Superintendents of ESIC Hospitals
8. All the Medical Superintendents of ESIC Model Hospitals
9. The concerned Jt. Directors (Fin.) and Dy. Directors (Fin.)
10. The Librarian, Hqrs.
11. Official Language Branch, Hqrs. Office for Hindi version.
12. Copy for personal file(s)/Guard file/spare copy.



HEADQUARTERS
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAVAN, C.I.G. ROAD, NEW DELHI-110002
http://esic.nic.in



No. A33/12/1/97-E.I Col. II

Dated : 10.10.97

OFFICE ORDER NO. 500 OF 2005

The Director General is pleased to order the promotion of the following officers in the grade of Insurance Inspector (in the pay scale of Rs.5500 - 9000/-) to the grade of Assistant Director / Manager Gr.I / Section Officer (in the pay scale of Rs.6500 - 10500) on adhoc basis and post them as follows:-

Sl. No.	Name of the Officer	Present place of posting as Li / Mgr. Gr.II Supdt.	Region/Sub-Region/Office in which posting is now ordered as Asst. Director / Section Officer / Manager Gr.I on adhoc basis
1.	Sishir/Bmt		
2.	Ashok Kumar Ponda	Karanataka	Karanataka
3.	W. Suresh Manuel	Coimbatore	Coimbatore
4.	Nizamuddin	Karnataka	Andhra Pradesh
5.	Bhagwan Singh	Jharkhand	West Bengal
6.	B.K. Sinha	Bihar	Bihar
7.	Jugal Barua	Assam	West Bengal
8.	DK Sankar	West Bengal	West Bengal
9.	RN Mohanrao	Orissa	West Bengal
10.	KK Kureel	Uttar Pradesh	Noida
11.	VK Roda	Delhi	Hqrs.
12.	VK Taneja	D(M)D	D(M)D
13.	M.Kalaivanan	Tamil Nadu	Karnataka
14.	S. Jayaram	Tamil Nadu	Tamil Nadu
15.	Panka Kumar	Delhi	Hqrs.
16.	J. Shiva Shankar	Andhra Pradesh	Andhra Pradesh
17.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
18.	A.K.Nim	Delhi	Hqrs.
19.	M.Koodalingam	Coimbatore	Kerala
20.	M.Dore	Karnataka	Goa
21.	Jaglal Chaudhary	Jharkhand	Jharkhand
22.	Ramulu	Andhra Pradesh	Andhra Pradesh
23.	D.Sugumaran	Karnataka	Karanataka
24.	S.K.Chaturvedi	Hqrs.	Hqrs.
25.	P.N.Bhasin	Delhi	Delhi
26.	Ram-Swaroop Kunharanya	Rajasthan	Madhya Pradesh
27.	Ramesh Chander - II	Delhi	Hqrs.
28.	Mrs. Saroja Ashokan	Pune	Pune
29.	Amarjeet Kumar	Punjab	Punjab
30.	D.N. Dhalgera	Gujarat	Gujarat
31.	S.S.Hirani	Gujarat	Gujarat
32.	Chander Sen	D(M)D	D(M)D
33.	Saheb Ram Singh	Delhi	Hqrs.
34.	Anil Kr. Rastogi	Delhi	Hqrs.
35.	M.A.Hafees	Andhra Pradesh	Andhra Pradesh
36.	G.Panda	Orissa	West Bengal
37.	Har Sahai	Uttar Pradesh	Uttar Pradesh
38.	S.K.Srivastava	Madhya Pradesh	Chhattisgarh
39.	C.B.Gandhi	Gujarat	Gujarat
40.	N.C.Purani	Gujarat	ESICM Hospital, Ahmedabad
41.	Kusum Vohra	Hqrs.	Hqrs.
42.	Kanwaljit Singh	Delhi	Delhi
43.	V.L.Joshi	Madhya Pradesh	Madhya Pradesh
44.	Daljit Kaur Mavi	Punjab	Punjab
	D.K.Sharma	Rajasthan	Madhya Pradesh

*A/ Tested/
Surya/ Chaudhary/
Advocacy.*

45	Narain Dase	Rajasthan	Rajasthan
46	Abdul Quodeos	Delhi	Hrs.
47	Vilayatul Lal	Delhi	Hrs.
48	Anil Kumar Khanna	Hqrs.	Mumbai
49	N.K.Bashen	Gujarat	Gujarat
50	J.K.Parmar	Gujarat	Gujarat
51	R.K.Sharma	Delhi	Hrs.
52	R.S.Rohilla	Haryana	Hrs.
53	Mrs. V.K.Pathak	Hqrs.	D(M)D
54	S.C.Kulishrestha	Uttar Pradesh	Uttar Pradesh
55	Satpal	Hqrs.	Hqrs.
56	Harish Chander	Haryana	Haryana
57	Sunil Kumar	Haryana	Hqrs.
58	Hoshiar Singh	Haryana	Hqrs.
59	Kiran Kohli	Delhi	Delhi
60	Shubhkaran	Punjab	Himachal Pradesh
61	Tarsem Pal	Haryana	Haryana
62	K.S.Minhas	Haryana	Pune
63	Sat Pal Bansal	Haryana	Pune
64	Neelam Puri	Haryana	Mumbai
65	S.G.Teheri	Andhra Pradesh	Andhra Pradesh
66	Suresh Pal Singh	Rajasthan	West Bengal
67	P.N.Sahoo	Orissa	Orissa
68	G.C.Rout	Orissa	West Bengal
69	Shiv Shankar Lal Srivastava	Uttar Pradesh	Uttar Pradesh
70	Upendra Bajaj	Madhya Pradesh	Madhya Pradesh
71	Baldey Singh	Punjab	ESICM Hospital, Bari Brahma (Jammu)
72	Smt.L.B.Shah	Gujarat	Gujarat
73	Smt.A.S.Chaurasia	Gujarat	Gujarat
74	Radu Ram Rana	Rajasthan	Rajasthan
75	P.R.Kudal	Rajasthan	Rajasthan
76	B.C.Godika	Rajasthan	West Bengal
77	Mrs. B.Nag	Assam	West Bengal
78	A.Shyama Prasad	Karnataka	Karnataka
79	U.Vasantha Kr Shenoy	Karnataka	Karnataka
80	Rami Kr Dwivedi	Uttar Pradesh	Uttar Pradesh
81	K.Sreenivasan	Kerala	Kerala
82	M.V.Krishnan	Kerala	Kerala
83	P.Balakrishnan Nair	Kerala	Kerala
84	J.P.S.Malik	Haryana	West Bengal
85	V.Srinivasa	Karnataka	Karnataka
86	D.B.Bhende	Mumbai	Mumbai
87	R.A.Pillai	Pune	Pune
88	A.B.Manivatkar	Nagpur	SRO, Aurangabad
89	M.P.Gangurde	Mumbai	Mumbai
90	M.S.Dhaware	Pune	Pune
91	V.D.Pinjarkar	Nagpur	Mumbai
92	R.G.Waghmare	Mumbai	Mumbai
93	N.S.Bodhered	Mumbai	Mumbai
94	V.P.Nalavede	Pune	Pune
95	M.P.Chankapure	Nagpur	Mumbai
96	B.P.Gaigwal	Pune	Pune
97	Shankar Lal Arjana	Madhya Pradesh	Madhya Pradesh
98	A.Pondyarejan	Madurai	Tirunelveli
99	C.N.Chauhan	Gujarat	Gujarat
100	J.Boro	Assam	West Bengal
101	S.Venkateshnam	Andhra Pradesh	Andhra Pradesh
102	P.S.Verma	Haryana	West Bengal
103	Rameshwar Das	Punjab	ESICM Hospital, Ludhiana
104	S.R.Mago	Delhi	Delhi
105	N.K.Sahu	DMD	DMD
106	Santosh Malhotra	DMD	Mumbai
107	Premi Lata	Hqrs.	Mumbai

108.	Rama Dhamija	Hqrs.	Mumbai
109.	M.C. Nag	Assam	West Bengal
110.	Raj Kumar Sabharwal	Delhi	Hqrs.
111.	Praveen Sehgal	Gujarat	Gujarat
112.	A.K. Sagl	Delhi	Pune
113.	Alluri Venu Gopal	Andhra Pradesh	Andhra Pradesh
114.	C.P. Wadhwa	Hqrs.	West Bengal
115.	N.K. Luthra	Hqrs.	West Bengal
116.	Rajiv Kumar Choudhary	Mumbai	Mumbai
117.	Jyoti Prasad	Bihar	Bihar
118.	Meenakshi Nanda	Delhi	Pune
119.	P.M. Khale	Madhya Pradesh	Madhya Pradesh
120.	Vinay Kumar Sharma	Delhi	West Bengal
121.	K. Padmavathy	Tamil Nadu	Salem
122.	Sushil Sathdeva	Delhi	West Bengal
123.	S.S. Dalal	Haryana	Tamil Nadu
124.	P.K. Bhattacharya	Delhi	Delhi
125.	Menish Gupta	D(M)D	West Bengal
126.	K.K. Malhotra	Hqrs.	Hqrs.
127.	P.M. Narayandas	Karnataka	Karnataka
128.	M.G. Patelhar	Gujarat	Gujarat
129.	I.K.N. Jowani	Gujarat	Gujarat
130.	Kakoli Das	Andhra Pradesh	Andhra Pradesh
131.	J.G. Pillai	Gujarat	ESICM Hospital, Ahmedabad
132.	B.C. Mehta	Gujarat	Mumbai
133.	Om Prakash Dhingra	Delhi	West Bengal
134.	Vijay Kumar	Delhi	West Bengal
135.	Pankaj Kumar	Bihar	West Bengal
136.	Savita R. Suresh	Delhi	West Bengal
137.	Rajendra R. Pillai	Nagpur	SRO Aurangabad
138.	Prasun Kumar Sinha	Mumbai	Mumbai
139.	Rohtas Singh	SC	West Bengal
140.	Majmudar P. Keshav Lal	SC	Mumbai
141.	Kalidas Sajjan	SC	West Bengal
142.	Grish Kumar Kain	SC	West Bengal
143.	Vijay Bokalia	SC	West Bengal
144.	Champak Biswas	SC	Hqrs.
145.	Azad Singh	SC	West Bengal
146.	Jyoti Parkash	SC	West Bengal
147.	Ajay Kumar Mahan	SC	Goa
148.	Premdas Jaiswara	SC	Tamil Nadu
149.	P.K. Krishnan Kutty	SC	Uttar Pradesh
150.	V.N. Sarojini	SC	Kerala
151.	C. Gopinathan	SC	Kerala
152.	Krishna Das	SC	Kerala
153.	S. Palaninathan	SC	Jharkhand
154.	Amarjeet Singh	SC	West Bengal
155.	S. Dhandapani	SC	Tamil Nadu
156.	Ram Prasad	SC	Punjab
157.	Mool Chand	SC	Coimbatore
158.	Jeet Prakash	SC	West Bengal
159.	Phool Singh Giroh	SC	West Bengal
160.	Vikramjit Singh	SC	West Bengal
161.	Ran Singh	SC	West Bengal
162.	Baldev Singh	SC	Andhra Pradesh
163.	B. Gnana Kumar	SC	ESICM Hospital, Bara Brahma, Jammu
164.	Hari Krishan	SC	Andhra Pradesh
165.	J. B. Ram	SC	Haryana
166.	Bhola Ram	SC	Jharkhand
167.	Balvant Ram	SC	Haryana
168.	Ram Swaroop Jarwal	SC	West Bengal
169.	S.C. Deka	SC	Tamil Nadu
170.	B.C. Rahi	SC	Mumbai
		SC	West Bengal
		SC	West Bengal

The promotion of the officers will take effect from the date of their assumption of charge.

The promotion of all the above-mentioned officers is ordered purely on temporary and adhoc basis. They may be reverted to their lower post without any notice or assigning any reason therefor. The adhoc promotion shall not confer on them any right to continue in the post or for regular promotion in future. The period of service rendered by them on adhoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of all these officers on promotion will be fixed in the pay scale of Rs.6,500 - 10,500/- under the normal rules.

The transfers/postings of all these officers have been ordered in public interest and they are entitled to TA/TTA/DA/Joining Time as admissible under the rules, wherever applicable.

The officers posted to regions which are different from their present ones will be relieved from their present posts by their present controlling officers concerned only after they receive communications regarding their places of postings from the Regional Directors/ Directors/ Joint Directors i/c of the Regions/Sub-Regions to which they are posted. The orders indicating the placement of officers who are posted in other Regions/ Sub-Regions shall be issued by the respective Regional Directors/ Directors/ Joint Director i/c within a week from the date of issue of this order.

The Regional Directors may utilize the services of the senior-most officers available in their regions in the cadre of Asst. Directors/ Managers Gr.I as Asst. Directors in the Regional Office as per this Office Order No. 316 of 2005 dated 30.6.2005 in file No. A -22 (13) 1/2004-E I.

The charge reports may be sent to all concerned in due course.

(Hindi version follows)

Chennai
19/05
(R. NATARAJAN)
JOINT DIRECTOR E. I

To:

1. The officers concerned.
2. All officers of the Headquarters.
3. All the Regional Directors.
4. All the Directors/ Joint Directors i/c of the Sub-Regional Offices.
5. All the Medical Superintendents of ESIC Hospitals and ESIC Model Hospitals.
6. D(M)Delhi/D(M) Noida/Director, ESI Hospital, KK Nagar/Director (FWP), New Delhi
7. The concerned Joint Directors (Fin.) and Dy. Directors (Fin.)
8. The Librarian/Hqrs. Office
9. Official Language Branch, Headquarters for Hindi version.
10. Copy to personal files/ Guard file/ Spare copy.

(Extract)

practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointments/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No *ad hoc* appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) *Revision of Seniority List.* — Another reason for making *ad hoc* arrangements and delaying regular promotions is that, the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases, regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases, it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC, they may be reverted to the posts held by them earlier.

(iv) *Shortage in Direct Recruitment Quota.* — *Ad hoc* appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they join to resign thereafter.

According to the instructions contained in this Department's O.M. No. 24012/34/80-Estt. (B), dated the 20th February, 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question up to the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:

- (a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- (b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment, i.e., not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination

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ANNEXURE-
V

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AD HOC APPOINTMENTS/PROMOTIONS

become available), by the alternative methods, i.e., by transfer on deputation, etc.

- (c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised *vide* O.M. No. 14017/8/84-Estt. (RR), dated the 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended, the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.

(v) *Filling up of short-term vacancies.* — Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation, etc., of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions/holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. *Cases where ad hoc appointments can be made.* — If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an *ad hoc* basis. Such circumstances may be—

- (a) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgment of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (b) Where the DR quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- (c) In short-term vacancies, due to regular incumbents, being on leave/deputation, etc., and where the posts cannot be filled as per Para. (v) above and cannot also be kept vacant.

4. *Conditions for making ad hoc appointments.* — In such exceptional circumstances, *ad hoc* appointments may be resorted to subject to the following conditions:

- (i) The total period for which the appointment/promotion may be made on an *ad hoc* basis will be limited to one year only. The practice of giving a break periodically and appointing the same person on *ad hoc* basis may not be permitted. In case there are compulsions for extending any *ad hoc* appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought for at least two months in advance before

J. T. Patel
S. S. Chatterjee
A. Bhattacharya

SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

the expiry of the one year period. If the approval of the Department of Personnel and Training to the continuance of the *ad hoc* arrangements beyond one year is not received before the expiry of the one year period, the *ad hoc* appointment/promotion shall automatically cease on the expiry of the one year term.

(ii) If the appointment proposed to be made, on an *ad hoc* basis, involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.

(iii) Where *ad hoc* appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under—

(a) *Ad hoc* promotions may be made only after proper screening by the appointing authority of the records of the officer.

(b) Only those officers who fulfil the eligibility conditions prescribed in the Recruitment Rules should be considered for *ad hoc* appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.

(c) The claims of Scheduled Castes and Scheduled Tribes in *ad hoc* promotions shall be considered in accordance with the guidelines contained in the Department of Personnel and A.R. Office Memorandum No. 36011/14/83-Estt. (SCT), dated 30-4-1983.

(iv) Where *ad hoc* appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the Employment Exchanges concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age-limit prescribed in the Recruitment Rules. Where the normal procedure for recruitment to a post is through the Employment Exchange only, there is no justification for resorting to *ad hoc* appointment.

(v) Where the appointing authority is not the Ministry, the Authority competent to approve *ad hoc* appointments may be decided by the Administrative Ministries themselves. The competent authority so authorized by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. *Ad hoc promotions of officers whose cases are kept in sealed covers.*—*Ad hoc* promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt. (A), dated 12-1-1988, will however, continue to be governed by these special instructions (Order 3 below). Similarly, *ad hoc* promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/

Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No. 31/16/82-EO (MM), dated 28-8-1983.

6. *Review of ad hoc appointments/promotions*—All *ad hoc* appointments including *ad hoc* promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in Para (4) (v). However, it may be noted that the continuance of such *ad hoc* appointments, including *ad hoc* promotions, will be subject to the overall restrictions of one year from the date of issue of these instructions.

All Ministries/Departments are requested to take action in accordance with the above-mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

[G.I., Dept. of Per. & Trg., O.M. No. 28036/8/87-Estt. (D), dated the 30th March, 1988.]

(2) *No Ad hoc appointment by Direct Recruitment.*—The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No. 22011/3/75-Estt. (D), dated 29-10-1975 and the Department of Personnel and Training O.M. No. 28036/8/87-Estt. (D), dated 30-3-1988 (*Order 1 above*), persons appointed on *ad hoc* basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be, at the earliest opportunity. These instructions also provide that whenever an appointment is made on *ad hoc* basis, the fact that the appointment is *ad hoc* and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on *ad hoc* basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

2. Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on *ad hoc* basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of *ad hoc* appointment with consequent benefits like seniority, etc.

3. In this regard, it is stated that issue of regularization of *ad hoc* employees has been considered in several judgments of the Hon'ble Supreme Court. In the case of *R.N. Narjundappa v T. Thimmaiah and others* (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the Government cannot override rules framed under Article 309 of the Constitution. In the case of *State of Orissa v. Sukanti Mahapatra* (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without anything more, will not meet the requirement of the action being in public interest and what has been

(Extract)

834 SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

2.7 In Group 'A' and Group 'B' services/posts, if none of the officers included in the DPC as per the composition given in the Recruitment Rules is an SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

2.8 In the case of EB crossing. — ***

PART-II
FREQUENCY OF MEETINGS

Frequency at which DPC should meet

3.1 The DPCs should be convened at regular annual intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. For this purpose, it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, Integrity Certificates, Seniority List, etc., for placing before the DPC. DPCs could be convened every year if necessary on a fixed date, e.g., 1st April or May. The Ministries/Departments should lay down a time-schedule for holding DPCs under their control and after laying down such a schedule the same should be monitored by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. Holding of DPC meetings need not be delayed or postponed on the ground that Recruitment Rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the Recruitment Rules in force on the date of vacancy, unless rules made subsequently have been expressly given retrospective effect. Since amendments to Recruitment Rules normally have only prospective application, the existing vacancies should be filled as per the Recruitment Rules in force.

[Very often, action for holding DPC meeting is initiated after a vacancy has arisen. This results in undue delay in the filling up of the vacancy causing dissatisfaction among those who are eligible for promotion. It may be ensured that regular meetings of DPC are held every year for each category of posts so that an approved select panel is available in advance for making promotions against vacancies arising over a year.]

3.2 The requirement of convening annual meetings of the DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion of no officers are due for confirmation during the year in question.

[See O.M. dated 8-9-1998 at the end of this section for Model Calendar.]

1. G.I. Dept of Per. & Trg. O.M. No. 22011/3/91-Estt. (D), dated the 13th May, 1991.

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ANNEXURE - VI

PROMOTIONS

PART-III
PREPARATORY ACTION

Determination of regular vacancies

4.1 It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a post/grade/service due to death, retirement, resignation, regular long term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Purely short-term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training, etc. should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated yearwise separately.

[Calculation of vacancies

It has been decided that for preparation of a select panel, Ministries/Departments may calculate the vacancies for reporting to DPC on financial yearwise where ACRs are written financial yearwise and calendar yearwise where ACRs are written on calendar yearwise.]

[Crucial date for determining eligibility

The eligibility dates for determining the eligibility of officers for promotion would be the first day of the crucial year, i.e., January 1 irrespective of whether ACRs are written financial yearwise or calendar yearwise.

The crucial dates indicated above would be applicable to only such services and posts for which statutory Service Rules do not prescribe a crucial date.]

In reiteration of the aforesaid provision (Para. 4.1) of the DPC guidelines, dated 10-4-1989, it is hereby clarified that such vacancies arising in a particular vacancy year, as noted in the aforesaid Para. 4.1, would be considered together by the DPC. These vacancies should also include newly-created posts in the same vacancy year. Hence, the DPC for a particular vacancy year held subsequent to the creation of such new posts in the same vacancy year would be required to take into consideration such newly-created posts also along with other already existing/anticipated vacancies arising in the same vacancy year. As a sequel to it, the zone of consideration would also

1. G.I. Dept of Per. & Trg. O.M. No. 22011/9/89-Estt. (D), dated the 17th October, 1994.

2. G.I. Dept of Per. & Trg. O.M. No. 22011/3/98-Estt. (D), dated the 17th September, 1998.

Attested by
S. V. S. Chaudhury
Advocate

To

The Director General
E.S.I.Corporation
Panchdeep Bhawan
New Delhi-110002

Through Regional Director, E.S.I.C, Guwahati

Sub:- Promotion to the post of Assistant Director/Manager Gr.I/Section Officer
In the pay scale of RS.6,500/- 10,500 on ad hoc basis.

Sir,

With reference to Hqrs. Office, ESI Corporation, New Delhi office order no. 508 of 2005 vide no A.33/12/1/97-Estt. Vol. II dated 19.10.05 on the above subject. I have to submit my representation as under for your kind reconsideration.

- 1) That Sir, I am willing to accept the promotion to the post of Assistant Director/ Mgr. Gr.I/Section Officer provided it is offered to me on regular basis.
- 2) That Sir, a regular post of Assistant Director is still lying vacant in the N.E. Region, Guwahati for which I am eligible to be accommodated. But unfortunately being a senior I.I. I have not been considered for that place of posting for the reasons best known to the authority.
- 3) That Sir, my junior has been accommodated as ad hoc Assistant Director in N.E. Region, Guwahati depriving me for regular promotion which is not only violation of principle of natural justice but also a clear discrimination in selecting the place of posting.
- 4) That Sir, my present pay structure is RS.6,500 - 10,500/- obtained by virtue of ACP and your above noted promotion does not confer on me any right to continue in the post or for regular promotion in future. Further, the period of service, rendered by me on ad hoc basis in the grade will neither count for seniority nor for eligibility for promotion to the next higher cadre.

It indicates that my service is sought to be utilized in other region with higher responsibility without conferring any right and benefits which is not tenable in law. Thus, the term ad hoc promotion without any benefit has no meaning in my case.

5. That Sir, I have not been considered for DPC for regular promotion due to the reason best known to the Authority.

Under the above circumstances I would like to request you kindly to look into my case and accommodate me as Assistant Director, N.E.Region Guwahati.

Yours faithfully,

17/10/2006
(JUGAL BARUAH) 3/10/2006
SUPERINTENDENT
R.O. E.S.I.C., GHY.-21

*Attested
Sevajit Choudhury
Advocate*



REGIONAL OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
"PANCHDEEP BHAWAN"
3/1, GRANT LANE, KOLKATA - 12

No. 41.A.20/11/14/2003 Estt-I

Dated, the 14th October 2005

OFFICE ORDER NO. 80 OF 2005

In pursuance of Hqrs. Office Order No. 296 of 2005 issued under communication No. A-22(13)1/2004 - E-I dated 27.6.2005, the Addl. Commissioner & Regional Director has ordered that Sri P. Sutradhar, Manager Gr. I (Ad-hoc), Rishra B.O., West Bengal Region shall be relieved from this region on the afternoon of 14.10.2005 on his transfer to the Office of the OSD, (North-East).

The transfer & posting of Sri Sutradhar has been ordered at his own request and he is not entitled to TA and joining time.

Charge report may be sent to all concerned in due course.

Hindi version will follow.

Arun Pandey
(ARUN PANDEY)
DY. DIRECTOR (ADMN)

To

Sri P. Sutradhar, Manager Gr. I
Rishra B.O.

Copy to:

1. Director General, E.S.I. Corporation, C.I.G. Road, New Delhi.
2. Financial Commissioner, E.S.I. Corporation, C.I.G. Road, New Delhi.
3. Regional Director, E.S.I. Corporation, Office of the OSD, (North-East), with the information that Sri Sutradhar has availed himself of 8 days' C.L. & 1 day's R.H. during the calendar year-2005.
4. Joint Director (Fin.), E.S.I. Corporation, Orissa Region.
5. Director (Vigilance), EZ, Kolkata.
6. All Joint Directors, R.O., Kolkata/Joint Director (I/C), SRO, Bkp./S.S.M.C. (EZ), Kolkata.
7. Medical Superintendent, ESI Hospital & ODC, Joka.
8. All Br. Officers, R.O., Kolkata/SRO, Bkp.
9. All Branches, R.O., Kolkata/ SRO, Bkp./P.A. to A.C. & R.D.
10. Guard file.
11. Office of the OSD, (North-East).
12. File No. 41.A.33/14/2005-E.I

*A. K. Choudhury
Savajit Choudhury
Advocate*

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VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 32 /2006

Shri Jugal Baruah.Applicant(s)

-Vs-

Union of India & others

....Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri S. Sath, S. Choudhury and Sri G. N. Chakrabarty Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 6th day of February, 2006.

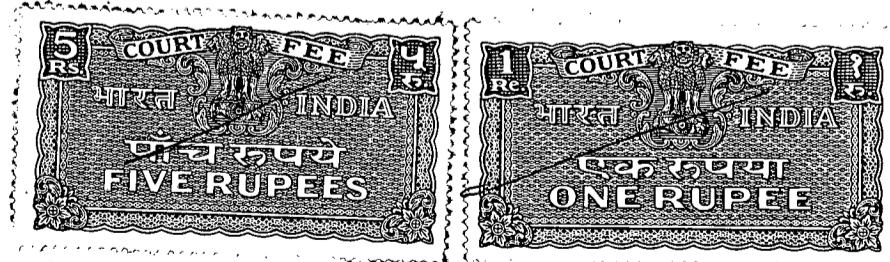
Received from the Executant, Mr. _____ And accepted
satisfied and accepted.

Senior Advocate will lead me/us in the case.

Suryajit Choudhury
Advocate

Manik Chanda
Advocate

Manik Chanda
Advocate



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NOTICE

From:

Subrata Nath
Advocate.

To,

Shri G. Baishya,
Sr. C.G.S.C.

Sub:- O.A. No. _____/2006 (Shri Jugal Baruah -Vs- U.O.I & Ors.)

Sir,

Find please enclosed herewith a copy of the above-mentioned Original Application, which is being filed today. This is for your information and necessary action.

Please acknowledge receipt of the same.

Yours sincerely

Received

For *Alsha Das*
(C. Baishya)
Sr. C.G.S.C. *6/2/06*

Subrata Nath

Advocate.

1) That with regard to the statement made in paragraph 4.1 of the OA, the respondent has nothing to comment. The applicant joined ESI Corporation as Lower Division Clerk on 1.2.1979 and he had been ⁱⁿ ~~in~~ ^{all the time} throughout his career spanning into 27 years except for a period of three years from 15.5.1990 to 16.8.1993 when he was working in West Bengal in the cadre of Insurance Inspector.

2) That with regard to the statement made in paragraph 4.2 of the OA the respondent begs to state that the post in which the applicant came ⁱⁿ ~~in~~ ^{all the time} transferability.

3) That with regard to the statement made in paragraph 4.3 of the OA, the respondent begs to state that an employee who has completed three years of regular service in the cadre of Insurance Inspector is eligible only for consideration by the DPC for promotion to the next higher cadre of Ass't. Directors subject to availability of vacancies and is being found fit by the DPC. An employee does not fall within the zone of consideration immediately on completion of three years of service in the cadre.

4) That with regard to the statement made in paragraph 4.4 of the OA, the respondent begs to state that the sanctioned strength in the cadre of Insurance Inspectors was 1873. The sanctioned strength in the higher cadre of Assistant Directors was 159. The employees in the cadre did not have adequate promotional avenues because the sanctioned strength in the higher cadre depends upon the number of vacancies in the higher cadre and the number of eligible persons in the cadre.

WRITTEN STATEMENT FILED BY THE RESPONDENTS

.....RESPONDENTS

UNION OF INDIA & OTHERS

-VERSUS-

.....APPLICANT

SHRI JUGAL BARUAH

OA NO. 32/2006

GUWAHATI BENCH GUWAHATI

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

was very less. Later, 213 posts in the feeder cadre were upgraded and the sanctioned strength in the higher cadre was increased to 372. The applicant is already drawing pay in the higher scale as per the Assured Career Progress scheme.

5) That with regard to the statement made in paragraph 4.5 of the OA the respondents deny the contentions made therein and beg to state that 213 posts were created only in June, 2003 i.e. in the year 2003-04.

6) That with regard to the statement made in paragraph 4.6 of the OA, the respondents deny the contentions made therein. The order dated 26.9.2003 promoting 220 persons from the cadre of Insurance Inspectors to the cadre of Assistant Directors were issued consequent to the up gradation of 213 posts in the month of June, 2003. The concessions imposed regarding seniority in the order dated 26.9.2003 were as per the DOPT, OM No. 31/6/90-EO (MM) dated 25.1.1990. The post of Assistant Directors carries all- India transfer liability and it is essential to post the promoted throughout India depending upon the availability of vacancies. The applicant was also given adhoc promotion on 26.9.2003. He cannot have any grievance about the promotion of Shri P. Sutradhar. Shri P. Sutradhar had accepted the promotion and joined duty in West Bengal. The averments of the applicant that the Corporation is not holding the DPC are denied. The proposal for regular promotion for regular promotion for officials against the 261 vacancies is pending with the UPSC. The DPC meeting is scheduled to be held by the UPSC in September 2006 as could be seen from the UPSC letter No. F-1/39/1/2005-AP-2 dated 27.6.2006. Adhoc promotions are ordered only in administrative interest and the details in this regard have already been furnished in the Written statement filed in OA No. 5/2006 before the Hon'ble Tribunal.

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A copy of the OM dated 25.1.2005 is annexed herewith and marked as

Annexure-M1

7) That with regard to the statement made in paragraph 4.7 of the OA, the respondents deny the contentions made therein. The applicant had declined the promotion ordered on 26.9.2003 only for domestic reasons. The reasons invented by him and narrated in Para 4.7 are only an afterthought. The Applicant in OA No.

5/2006 had already raised the issues and Written Statement has already submitted by the respondents in the same case. The vacancies have arisen because of up gradation of 213 posts ~~with~~ the year 2003-04 and the UPSC is already in process of holding DPC. The applicant is far junior in the feeder and he could get promotion only because of the creation of 213 posts in June 2003. The facts in this regard have already been furnished in the Written Statement in OA No. 5/2006.

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MR. R.
OFFICER AND DIR.
ESI CORPORATION
GUJARAT

- 8) That with regard to the statement made in paragraph 4.8 of the OA the respondents beg to state that the order dated 19.10.2005 ~~for~~ promoting 170 officers were issued because of the retirement of large number of officers in the cadres and because of the vacancies which had arisen due to cadre restructuring in Group 'A'. The applicant does not even have the basic idea of the Appointment Committee of Cabinet. These instructions are not relevant to the promotion to the cadre of Assistant Directors, which is a Group 'B' Post. Only the posts in the Central Govt., which are higher than those in the scale of Rs. 14300-18300, require the approval of the Appointment Committee of the cabinet.
- 9) That with regard to the statement made in paragraphs 4.9 and 4.10 of the OA the respondent deny the contentions made there in and beg to rely and refer upon the statement made foregoing paragraphs.
- 10) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to state that the facts are matter of records. The DPC meeting is scheduled to be held by UPSC in September 2005 as could be seen from the UPSC letter No.F-1/39/1/2005-AP-2 dated 27.6.2006.

A copy of the UPSC Letter dated 27.6.2006 is annexed herewith and marked as Annexure- M2

- 11) That with regard to the statement made in paragraph 4.12 of the OA the respondents beg to state that the name of the applicant is being considered by the DPC at the earliest opportunity with reference to his seniority in the feeder cadre consisted of 1873 Insurance Inspectors while the promoted cadre of Assistant Directors consisted of only 159 posts up to the year 2003. After the up gradation

in June 2003, the feeder cadre consisted of 1660 posts while the promotional cadre consisted of 372 posts. The name of the applicant could not be considered by the earlier DPCs as he was not senior enough with reference to the meager vacancies, which were available at that time. As the promotion pyramid was not objective resulting in lot of stagnation in the cadre of Insurance Inspectors, restructuring had been done and 213 posts were upgraded in June 2003. The applicant was not willing to avail himself of the chance of promotion only for domestic reasons as mentioned by him in his application-dated 8.10.2003. The facts have already explained against Para 4.8 of the OA.

A copy of the application - dated 8.10.2003
is annexed herewith as Annexure - M3

12) That with regsr to the statement made in paragraph 4.13 of the OA, the respondents while denying the contentions made therein beg to state that the applicant is far junior in the feeder cadre he could get the promotion only because of the creation of 213 posts in June 2003. Those facts in this regard have already been furnished in the counter affidavit filed in OA No. 5/2006.

13) That with regard to the statement made in paragraph 4.14 of the OA, the respondents deny all the contentions made therein. The applicant had failed to avail himself of the promotion in 2003 and 2005 citing personal reasons. The reasons cited by the applicant are only afterthought.

14) That with regard t the statement made in paragraph 4.15 of the OA, the respondents beg to submit that the applicant is under the mistaken belief and entertains imaginary grievances. The UPSC has authorized the Counsel of ESI Corporation to represent the UPSC and has advised the Corporation to pray to the Tribunal for dismissal of the OA with costs.

A copy of the letter dated 12.7.2006 is annexed herewith and marked as Annexure-M3.

15) That in the premises afore said it is most respectfully prayed that the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

VERIFICATION

I Amal Chandra Majumder, aged
about 50 years at present working as

Deputy Director.....

....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

_____ are true

to my knowledge and belief, those made in paragraph

I to 14 being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this Eleventh day of September 2006 at Guwahati

DEPONENT



Amal Chandra Majumder
Deputy Director
SICCF

AD HOC PROMOTIONS

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(3) *Ad hoc* appointment of Section Officers of the CSS as Under Secretaries and equivalent posts.— Keeping in view the pressing requirements of various Ministries/Departments and the exigencies of public service, it has been decided, in partial modification of the instructions contained in OM, dated 28-9-1983, to permit the Ministries/Departments to make *ad hoc* appointments to the posts of Under Secretaries/equivalent from among the Section Officers of the Central Secretariat Service subject to the following conditions:—

- (i) The *ad hoc* appointments would be ordered on the basis strictly of existing cadrewise seniority by the Ministries/Departments controlling the Section Officers cadre.
- (ii) No officer who has not completed the requisite approved service of 8 years as Section Officers as on 1st July, 1989, would be appointed as *ad hoc* Under Secretary.
- (iii) The *ad hoc* appointments would be made purely as a temporary measure for a period not exceeding 3 months or until further orders, whichever is earlier. In case it is proposed to continue the *ad hoc* appointments beyond the initial period of 3 months, prior approval of this Department should be obtained well in advance.
- (iv) These appointments would be subject to the outcome of the SLP pending before the Supreme Court in the *Union of India and others v. Shri Amrit Lal and others*.
- (v) The *ad hoc* appointments will not confer any right for regularization of the same or for benefit such as seniority, etc., on a future date. Government reserves the right to terminate the *ad hoc* appointments without assigning any reason or giving notice, etc., to the officers concerned.
- (vi) Officers appointed on *ad hoc* basis should be cleared from vigilance angle.

2. The conditions mentioned above may be strictly adhered/suitably incorporated while issuing orders of *ad hoc* appointment and copies of all the orders in this regard may be endorsed to this Department for record.

[G.O. Dept. of Per. & Trg., O.M. No. 31/6/90-EO (MM), dated the 25th January, 1990.]

(4) Procedure to be followed when disciplinary proceeding is initiated against a Government servant officiating in a higher post on *ad hoc* basis.— The question whether a Government servant appointed to a higher post on *ad hoc* basis should be allowed to continue in the *ad hoc* appointment when a disciplinary proceeding is initiated against him has been considered by this Department and it has been decided that the procedure outlined below shall be followed in such cases—

- (i) Where an appointment has been made purely on *ad hoc* basis against a short-term vacancy or a leave vacancy or if the Government servant appointed to officiate until further orders in any other

Also see. Parimo (2) to see VI (3)

-7

No. F.1/39(1)/2005-AP-2
 UNION PUBLIC SERVICE COMMISSION
 DHOOLPUR HOUSE, SHAHUJAHAN ROAD

NEW DELHI - 110069

Date 22/6/06

130

Re: Director General
 Employees State Insurance Corporation
 Panchdeep Bhavan, C.I.G. Road
 NEW DELHI

(Attention: Shri R. Natarajan, Joint Director - E.I.)

Subject: DPC - Promotion to the post of Asstt. Director/Section Officer/Manager Gr. I in ESI Corporation.

Sir,

I am directed to refer to your letter No.33/13/1/2003-(AD)E.I dated 5th May, 2006 on the above subject and to say that the meeting of the DPC to consider the case cited above has been fixed for being held in this office on 12th September to 15th September, 2006 at 11.00 A.M daily. The names and designations of the Departmental Members who will attend the meeting may please be intimated to this office urgently. They may be informed about the DPC meeting and be requested to make it convenient to attend the meeting on the date and time mentioned above. On arrival, they may kindly contact the Reception Officer, UPSC, who will guide them to the venue of the DPC meeting.

2. Attention of the Ministry / Deptt. in this regard is invited to the instructions contained in the O.M. No.22012/4/78-Estt.(D) dated 16.1.1980 issued by the Ministry of Home Affairs (Deptt. of P&AR) according to which in respect of promotion to Group 'A' and Group 'B' posts, a Departmental Officer of appropriate level belonging to Scheduled Caste / Scheduled Tribe is to be nominated or co-opted by the appointment authority in the DPC meeting. You are accordingly requested that while intimating the names and designations of the Departmental Members who will attend the meeting, the position in this regard may kindly be specifically indicated. In case it is not possible to include any SC/ST officer in the DPC, whether by nomination or by co-option, the reasons for the same may kindly be contemplated in the instructions contained in the O.M. referred to above.

3. I am to point out that the date and time noted above have been kept reserved by the Commission for holding this DPC meeting. It would not be possible for the Commission to arrange any other meeting or interview on the date and time mentioned above if this meeting has to be postponed. The Ministry, is therefore, requested not to ask for a postponement of the meeting. In case such a request would have to be made the letter should specifically indicate that it has the concurrence of the Secretary of the Ministry.

BWS
 22/6/06

- 8 -

(381)

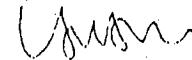
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- 2 -

I am further to say that only designated officers mentioned in the RRs or in the notification constituting DPC should attend the DPC meeting. No substitution is permissible. A copy of the notification regarding composition of the DPC may also be furnished to this office if not already done.

5. I am also to invite your attention to the instructions contained in DOP&T.OM No.22011/8/87-Estt.(D) dated 3.6.1988 and to request you to inform the Departmental Members about the certificate to the effect that none of their close relatives is being considered by the DPC in question. It would enable them to furnish such a 'certificate' to their Ministry before associating themselves with the meeting of the DPC.

Yours faithfully,



(K. S. SAMPATH)
UNDER SECRETARY
UNION PUBLIC SERVICE COMMISSION
TEL: 23070363

Dated : Oct. 08, 2003.

The Director General, Estt.
ESI Corporation, Hqrs. Office,
Panchdeep Bhawan, Kotla Road,
New Delhi - 2.

(Through the Regional Director, ESIC, Guwahati)

Sub: Posting as Manager Gr.I. in West Bengal Region : prayer for allowing to surrender promotion in the next higher post.

Ref: Hqrs. Office order No. 614 of 2003.

Sir,

Kindly refer to Hqrs. Office order No. 614 of 2003, vide letter No. A.22/13/1/2/003-Estt.I.(A) dated 26.09.2003 regarding promotion / posting of AD/ SO/Mgr. Gr.I on ad hoc basis.

In this connection, I have to inform that I have been promoted to the post of Mgr. Gr.I. (Sl. No. 28) and to state that at present I am not in a position to accept the promotion on the following grounds.

1. That Sir, my eldest son will be appearing in the Bsc. Part-I final examination under Guwahati University to be held in the first quarter of 2004 and my youngest son will also be appearing in the final examination of Class X standard under CBSE to be held in the month of March, 2004. And in absence of my personal attention to them, it will adversely affect their academic career.
2. That sir, my mother is 87 years old, has been suffering from old age ailment and also bed-ridden. In the meantime, I have already lost two of my elder brothers in the previous year. In this critical juncture, I am the only male member beside her to look after in the last stage of her life.
3. That Sir, I have been suffering from Spondalities since long and also not in a position to undertake journey on regular basis as directed by attending doctor.

Under the above circumstances, I would like to request you kindly to allow me to surrender my promotion and consider me for granting exemption from the operation of the above noted Hqrs. Office order.

Yours faithfully,

Jugal Baruah
(JUGAL BARUAH) 10/10/03

Suptd, R.O. ESIC Guwahati

Copy to :

1. The Regional Director, ESI Corporation, Regional Office, Guwahati with a request kindly to forward my representation dtd 08.10.2003 to Hqrs. Office, New Delhi.
2. The Addl. Commissioner, ESI Corporation, 5/1 Grant Lane, Kolkata - 12 for information and necessary action.

(JUGAL BARUAH)

No.F.9/39(2)/2006-AP.2
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAHJAHAN ROAD,
NEW DELHI-110069

Annexure M4

12th July, 2006

To

The Employees State Insurance Corporation,
Panchdeep Bhawan, C.I.G. Road,
New Delhi-110002

(Attn: Shri R. Natarajan, Joint Director E.I)

Sub: OA No.32/2006 filed by Shri J. Baruah and others in
CAT, Guwahati Bench, Guwahati.

Sir,

I am directed to state that this office has received notice alongwith the copy of OA in the above case from CAT Guwahati Bench, Guwahati. It is presumed that you have also received similar notice and necessary action is being taken by you to defend the case. This may kindly be confirmed.

2. I am further to state that the issues raised in the present OA relate to the conditional ad hoc promotion of the applicant and his posting from Guwahati to West Bengal with which the ESI Corporation alone are concerned and non holding of DPC for filling up the post of Assistant Director/Section Officer/Manager Gr.1 on regular basis. Further no relief has been claimed from the Commission as none of the actions challenged in the OA have been taken by them. Thus, the Commission have been impleaded unnecessarily in the case. In view of this position, the Commission have decided not to enter a separate appearance in the case. The counsel appearing on behalf of the Corporation may kindly be informed of the position as above and he/she may please be requested to place the above fact before the Hon'ble Tribunal and pray to the Tribunal for dismissal of the OA with costs in so far as the Commission are concerned.

3. As you may be aware, meetings of the DPC for considering the regular promotions to the grade of Assistant Director/Section Officer/Manager Gr.1 are scheduled to be held in the Commission's office from 12th to 15th September, 2006. This fact may please also be incorporated in the reply to be filed by the Corporation.

4. A copy of your reply as and when filed may kindly be furnished to this office for perusal/record. Developments in the case may please also be intimated to the Commission from time to time.

Yours faithfully,

(K.S. SAMPATH)
Under Secretary
Phone: 23070363

Notice

Date - 21/9/06
¹³⁴

From:

Usha Das.

Addl. Cuse.

To, Mr. M. Chanda

Ms. V. Dutta

Advocates

Sub: OA no. 32/06 filed by
Sri Jagat Barnab

Sir/Madam

Please find herewith a copy
of WS being filed today. Kindly
acknowledge the receipt thereof.

Thanking You

Sincerely Yours

Usha Das.

Addl. Cuse.

Received copy

Usha Das
21/9/06

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

O. A. No. 32 /2006

Shri Jugal Baruah.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

1990- Applicant was initially appointed as Insurance Inspector in the department of ESI Corporation.

26.09.2003- Impugned office order No. 614 of 2003 was issued by the respondent Corporation, whereby 220 posts in the cadre of Asstt. Director/Section Officer/Manager Gr- I has been filled up on ad hoc basis imposing an arbitrary condition that the ad hoc promotion shall not confer any right on the employee either to continue in the post or for regular promotion in future. In the said order it is also made clear that the period of ad hoc service will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher cadre. Applicant was placed at Sl. No. 28 of the said order, but the applicant did not avail of ad hoc promotion due to the conditions imposed in the said ad hoc promotion order as well as due to his domestic problems. (Annexure- III)

19.10.2005- Impugned order No. 500 of 2005 of ad hoc promotion has been passed by the respondent Corporation, whereby applicant is promoted to the post of Manager Gr. I/Section Officer/Asstt. Director on adhoc basis with the specific condition that in the event of availing adhoc promotion seniority benefit in the promotional grade shall not be conferred. Name of the applicant is placed at Sl. No. 6 of the said impugned order, applicant did not avail of ad hoc promotion order due to the arbitrary conditions as well as due to his domestic problems. (Annexure- IV)

It is stated that respondent Corporation inspite of availability of large numbers of vacant posts in the grade of Manager Gr. I/Section Officer/Asstt. Director did not hold the regular DPC for filling up those large numbers of vacant posts by promoting eligible incumbents like the present applicant and issued orders of ad hoc promotion imposing arbitrary conditions. Such action of the respondent Corporation is in violation of Govt. of India's instructions issued from time to time. (Annexure-VI)

It is also stated that those incumbents who were promoted on ad hoc basis vide order dated 26.09.2003 are still continuing in the promotional posts on ad hoc basis for more than 2 year, such

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action of the respondent Corporation is in violation of provisions laid down in sub-sec (3) of Section 17 of the ESIC Act 1948.

(Annexure- II)

03.01.2006- Applicant has attained eligibility for promotion to the grade of Manager Gr. I/Section Officer/ Asstt. Director way back in the year 1993, but the respondent Corporation inspite of holding regular DPC for promotion of the applicant issued the impugned order dated 26.09.2003 as well as impugned order dated 19.10.2005. He submitted representation addressed to the Respondent No. 2. In the said representation applicant interalia stated that he is willing to accept the promotion to the post Asstt. Director if the same is made on regular basis.

(Annexure- VII)

15.12.2006- Respondent ESI Corporation issued the impugned order of promotion dated 15.12.2006 during pendency of the instant O.A., whereby inasmuch as 185 Officers including the applicant have been promoted on regular basis to the cadre of Insurance Inspectors/Branch Managers Gr. III/ Superintendents.

The vacancies were available since 2000-2001, therefore DPC is liable to be conducted for preparing year wise panel and the applicant is entitled to promotion at least from the date of occurrence of the vacancy with all consequential service benefit. But now in view of the impugned promotion order dated 15.12.2006, the benefit of antedating promotion has been denied to the applicant without preparing year wise panel.

Hence this amended original application.

P R A Y E R S

Relief (s) sought for:

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
2. That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Asstt. Director/Manager Gr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.
- 2 A. That the Hon'ble Tribunal be pleased to direct the respondents to review/modify the impugned promotion order bearing No. A - 33 (13) 1/2003-E.I dated 15.12.2006 (Annexure- IX), directing the respondents to prepare year wise panel and to grant the benefit of promotion to the cadre of Asstt. Director/Manager Gr. I/Section officer at least from the date of occurrence of the vacancy with all consequential service benefit including seniority and arrear monetary benefit.

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3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

Title of the case : **O.A. No. 32 /2006**

Shri Jugal Baruah. : **Applicant.**

-Versus-
Union of India & Ors. : **Respondents.**

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Filed By:

Dutta
Advocate

Date: - 06.09.07

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

AMENDED ORIGINAL APPLICATION

In O.A. No. 32 /2006

BETWEEN:

Shri Jugal Baruah,
S/o- Late Kula Chandra Baruah,
Superintendent,
Regional Office,
Employees State Insurance Corporation,
Bamunimaidan, Guwahati- 781021.

—Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi- 110001.
2. The Director General,
Employees State Insurance Corporation
Panchdeep Bhawan,
C.I.G. Road, New Delhi- 110002.
3. The Joint Director, E.I.,
Employees State Insurance Corporation,
Panchdeep Bhawan,
C.I.G. Road, New Delhi- 110002.
4. The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.
5. Shri Pradip Sutradhar,
Asstt. Director (Adhoc),
O/o- The Regional Director,
Employees State Insurance Corporation,
Assam, Bamunimaidan,
Guwahati- 781021.
6. Union Public Service Commission,
Represented by it's Secretary,
Dholpur House, Shahjahan Road,
New Delhi- 110011.

..... Respondents.

Filed by the applicant
through Mr. Dutta, advocate
on 06.09.07

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the order of ad-hoc promotion granted vide office order dated 26.09.2003 (Annexure- III), which has been allowed to continue beyond one year in violation of the provision laid down in sub section 3 of section 17 of the Employees State Insurance Act, 1948 and also for non holding of DPC since 2001 inspite of availability of large nos. of vacancy in the cadre of Assistant Director/Section Officer/ Manager Grade-I in the scale of Rs. 6,500- 10,500/- and also against the ad-hoc promotion order dated 19.10.2005 (Annexure- IV) and also praying for a direction upon the respondents to prepare year wise panel by holding DPC with immediate effect and to grant promotional benefit to the cadre of Assistant Director/Section Officer/Manager Grade-I with all consequential service benefit including arrear monetary benefit, seniority at least from the date of vacancy.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicant was initially appointed in the department of Employees State Insurance Corporation in the year 1990 as Insurance Inspector and he was posted at Regional Office at Calcutta, however after serving for a period of about 3 years the applicant was transferred and posted at Dhubri

in the State of Assam, thereafter he was again posted to Chandrapur ESIC local office in the same capacity as Manager Gr. II and subsequently the applicant was again transferred to Regional Office, Guwahati as Insurance Inspector and at present he is working as Superintendent at Regional Office, Guwahati in the department of Employees State Insurance Corporation (for short ESIC). Be it stated that in the department of ESIC Inspector/Superintendent/Manager Gr. II are of the same grade, with the same scale of pay.

4.3 That it stated that as per recruitment rule the next avenue of promotion of the applicant is in the cadre of Assistant Director/Section Officer/Manager Grade-I in the scale of pay of Rs. 6,500-10,500/- as per rule, after serving for a period of 3 years in the cadre of Superintendent on regular basis, an employee is entitled to be considered for promotion to the cadre of Assistant Director/Section Officer/ manager Grade-I subject to availability of vacancy. In other words an employee fall within the zone of consideration for promotion on completion of 3 years of service in the feeder cadre on regular basis in the cadre of Assistant Director/Section Officer/manager Grade-I in the Department of State Insurance Corporation.

4.4 That your applicant after his appointment to the cadre of Inspector/Superintendent, he was never considered for promotion on regular basis in the next higher post of Assistant Director/ Section Officer/ manager Grade-I in spite of having large numbers of regular vacancies since 2000-2001 in the promotional cadre as such the applicant is stagnating in the same post of Inspector/Superintendent. However, in terms of the Govt. of India's O.M dated 09.08.1999, the applicant was granted 1st financial upgradation in the year 2002 on completion of 12 years of regular service in the cadre of Inspector/Superintendent.

4.5 That it is stated that a large numbers of vacancies in as much as 220 regular vacancies in the cadre of Assistant Director/ Section Officer/Manager Grade-I fall vacant since 2000-2001, but no effort is made on the part of the respondent corporation to hold the regular DPC for considering promotion

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of the applicant as well as other similarly situated employees, and denied regular promotion to the applicant since 2001-2002 when large nos. vacancies are available in the promotional cadre is a deliberate act and willful omission on the part of the respondents. As a result of non holding of DPC, the applicant and other similarly situated employees has been suffering in the matter of promotion as well as in the matter of further promotional prospects, which in fact is causing irreparable loss and injury to the service prospects of the applicant.

4.6 That it is stated that vide impugned office order No. 614 of 2003 issued under letter No. A-222/13/1/2003-E.1 (A) dated 26.09.2003, whereby in as much as 220 posts in the cadre of Assistant Director/Section officer/Manager Grade-I has been filled up on ad- hoc basis in the scale of Rs. 6,500-10,500/- imposing an arbitrary condition that the ad-hoc promotion shall not confer any right on the employees either to continue in the post or for regular promotion in future. It is also made clear in the impugned promotion order that the period of adhoc service likely to be rendered by the employees on ad hoc basis in the grade/cadre will not count for seniority in the grade/cadre or for eligibility for promotion to the next higher grade/cadre and ad hoc promotees may be reverted to their lower post without any notice or assigning any reason thereof, and as a result of such ad hoc promotion firstly the possibility of holding DPC for regular promotion is blocked. On the other hand for implementation of the impugned order of ad-hoc promotion a large scale transfer and posting has been ordered by the competent authority through out the country, which cost huge Govt. expenditure from the Government exchequer, on the other hand, the arbitrary conditions has been imposed in the order of ad-hoc promotion such as threat of reversion to the lower post without any notice, and also arbitrary denial of seniority benefit for the period of ad-hoc service likely to be rendered by the ad-hoc appointee/promote. When ad-hoc promotions are effected against the substantive vacancies the order of large scale ad-hoc promotion is oppose to public policy/Govt. policy. By the impugned order dated 26/09/2003, 220 posts of Assistant Director/Section Officer/manager Grade-I has been promoted in the month

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of September' 2003 and those offices who have availed such ad-hoc promotion are still continuing on ad-hoc basis without any break. As for example Sri Pradip Sutradhar, Respondent No. 5, who is junior to the applicant, is placed at Sl. No 126 in the ad hoc promotion order dated 26.09.2003, who is still continuing on promotion on ad hoc basis pursuant to the order dated 26.09.2003. In this connection it may be stated that said Sri Pradip Sutradhar initially posted in the State of West Bengal pursuant to the ad-hoc promotion order dated 26.09.2003. However, vide office order No. 80 of 2005, issued under letter No. 41. A.20/11/14/2003 Estt-I dated 14.10.2005, he was transferred and posted at Guwahati following the Head quarter office order No. 296 of 2005 issued under communication No. A-22913) 1/2004 E-1 dated 27.06.2005 in the same capacity as ad-hoc Manager Grade-I. Therefore it appears that the respondents Corporation are interested to utilize the services of their employees by way of granting ad-hoc promotion for years together in a most arbitrary manner without conferring the benefit of seniority as well as without holding DPC for effecting regular promotion.

It is relevant to mention here that in the impugned promotion order dated 26.09.2003 the name of the present applicant is also figured at Sl. No. 28, but the applicant did not avail of ad-hoc promotion firstly on the ground that the said benefit of ad-hoc promotion may be terminated at any time without issuing any notice, secondly there is a specific condition that seniority benefit shall not be conferred in the event of availing ad-hoc promotion, thirdly, on the ground that service likely to be rendered on ad-hoc period shall not be counted towards regular promotion or for eligibility for future promotion. Moreover such ad-hoc promotion involves transfer and posting from one State to another State during the middle of the academic session since my son was reading at Class X during the month of September' 2003 and that was a mid academic session, moreover, the order of ad-hoc promotion dated 26.09.2003 has been issued imposing arbitrary conditions denying benefit of seniority as well as the same is issued with the threat of termination of ad hoc promotion at any time without assigning any reason and also issued in violation of local arrangement policy which is normally made in the event of effecting ad hoc promotion for a temporary

period. It appears from the arbitrary action of the respondents that they have resorted to ad hoc promotion policy with the sole intention to spoil the service prospect of the employees including the applicant serving in the corporation. There is no initiation on the part of the respondent to hold the regular DPC for filling up of large scale vacancies on regular basis and pursuant to the impugned promotion order dated 26.09.2003, those ad-hoc appointees/promotes are still continuing in the promotional post even after a lapse of more than 2 (two) years. In violation of sub-section 3 of Section 17 of the Employees State Insurance Act, 1948, wherein it has been stated that any officiating or temporary appointment shall not exceed 1 year, the relevant portion of section 17 of the E.S.I.C Act, 1948 is quoted below for perusal of the Hon'ble Court.

"17. Staff.- (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government].

(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of the members of the staff under clause (a). The Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the corporation shall refer

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the matter to the Central Government whose decision thereon shall be final.]

(3) 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.

(Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade).

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]

Be it stated that the posts of Assistant Director/Section Officer/Manager Grade-I fall within Group 'B' category. It is also relevant to mention here that the post of assistant Regional Director subsequently re-designated as assistant Director. It is ought to be mention here that the post of Insurance Inspector/Manager Grade-II/ Superintendent having equivalent rank and status with same scale of pay and the promotional avenue from the aforesaid post are same and interchangeable i.e. in the cadre of Assistant Director/Manager Grade-I/Section Officer/Deputy Accounts officer. The promotion of the applicant in the next higher grade is governed by the Employees State Insurance Corporation (Assistant Regional Director/Manager Grade-I/Section Officer/Deputy accounts officer recruitment regulation 1996), wherein 3 years regular service has been prescribed for promotion from the cadre of Insurance Inspector/Manager Grade-II/Superintendent to the cadre of Assistant

Regional Director/Manager Grade-I/Section Officer/Deputy Accounts Officer.

(Copy of the recruitment regulation 1996 and extract of section 17 of the E.S.I.C Act 1948 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I and II respectively).

4.7 That it is stated that many of the officers working in the corporation did not avail ad-hoc promotion offered vide office order dated 26.09.2003, in view of the fact that the promotion order is conditional and arbitrary since there is a specific declaration that the ad hoc appointee/promotee shall not be entitled to seniority benefit and the adhoc promotion may be terminated at any point of time without assigning any reason, so under such a threat normally senior employees like the applicant may not be inclined to avail the ad-hoc promotion and more so on the ground that when such ad-hoc promotion is involved transfer and posting from one State to another State.

Copy of the impugned order dated 26.09.2003 is enclosed as Annexure- III.

4.8 That it is stated that impugned order dated 26.09.2003, whereby large numbers of vacancies nearly 220 promotional posts which fall vacant since 2000/2001 have been filled up on ad-hoc basis denying regular promotion benefits to the eligible employees of Corporation including the present applicant. The present applicant is highly aggrieved for non-conducting of regular DPC for consideration of promotion of the applicant to the grade of Assistant Director/Section Officer/Manager Grade-I inspite of availability of large number of vacancies since 2000-2001. The applicant is further aggrieved due to continuation of the ad-hoc promotion of employees/promotes, who have availed promotion vide office order dated 26.09.2003 since continuation of the ad-hoc promotion beyond 1 year without approval of the UPSC is contrary to the provision laid down in Sub- Sec (3) of Sec 17 of the ESIC Act 1948 and on that score alone the impugned office order dated 26.09.2003 is liable to be set aside and quashed.

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4.9 That it is stated that while the ad-hoc appointees/promotes are working on ad-hoc basis beyond 2 years in violation of Sub Sec (3) of Sec 17, where permissible limit for ad-hoc promotion is 1 year but those ad-hoc appointees are still continuing and surprisingly in the meanwhile another impugned ad-hoc promotion order has been issued vide office order No. 500 of 2005 bearing letter No. A 33/12/1/97-E.I col II dated 19.10.2005, whereby as many as 170 officers including the applicant have been promoted again on ad-hoc basis with similar arbitrary terms and conditions such as there will be no seniority benefit in the event of availing ad-hoc promotion and the ad-hoc service shall not be counted towards future promotion and also with the condition that the ad-hoc promotion may be terminated at any point of time without assigning any reason or show cause and the said ad-hoc promotion also involves transfer and posting from one State to another State with the aforesaid arbitrary condition. Whereas Govt. of India time to time issued instructions to all Govt. Departments, Corporations, Public Sector undertakings and Public Enterprises not to resort to ad-hoc appointment/promotion except in a exceptional or in an emergent situation in public interest but in the instant case there is deliberate violation of such instructions issued by the Govt. of India, wherein it has been stated that ad-hoc promotion must be limited to only 1 year and the same if necessary to be continued beyond 1 year DOPT permission must be obtained and approval of the appointment committee of the Cabinet must be obtained prior to the promotion being actually made. The relevant provisions for granting ad-hoc promotion laid down by the Govt. of India would be evident from Chapter 21 of the ad-hoc appointments/promotion from Swamy's Complete Manual on Establishment and Administration (9th Edition). However, in the instant case none of the instructions followed by the Corporation, which is functioning under Ministry of Labour, Govt. of India and on that score alone the impugned office order dated 26.09.2003 as well as impugned order dated 19.10.2005 are liable to be set aside and quashed.

(Copy of the impugned order dated 19.10.2005 and Govt. of India's instruction on ad-hoc appointments/promotions (Page 222-225) are enclosed as Annexure-IV and V respectively).

4.10 That it is stated that as per Govt. of India's instruction the DPC should be conveyed at regular intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. A vacancy shall be filled in accordance with recruitment rule in force on the date of vacancy. The requirement of convening annual meeting of DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled up by promotion or no officers are due for confirmation during the year in question. But surprisingly none of the instructions has been followed in the instant case of the applicant by the respondent Corporation and there is a deliberate and willful violation of the Govt. Rules or instructions by a Corporation like ESIC and on that ground alone the order of adhoc promotions issued under the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.11 That it is relevant to mention here that since another recent order of ad hoc promotion has been issued, therefore, the respondent Corporation will not take any further initiative for holding regular DPC for promotion of the applicant to the cadre of Asstt. Director/Manager Gr. I/Section Officer in the pay scale of Rs. 6,500-10,500/- It is ought to be mentioned here that due to denial of regular promotion the present applicant is incurring huge financial loss in each and every month and further promotion and service prospect and as such it is a continuous wrong and on that score alone the impugned order dated 26.09.2003 as well as vide order dated 19.10.2005 are liable to be set aside and quashed.

4.12 That it would be evident from the Chapter 54 of the Swamy's Complete Manual on Establishment and Administration for Central Government Offices (9th Edition) where necessary instructions have been given by the Govt. of India from time to time regarding holding of DPC with regular interval in order to provide regular promotion to the eligible employees in time.

Extract of instructions issued by the Govt. of India regarding promotion of employees (Page 831 from Swamy's Manual on

Establishment and Administration) is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.13 That it is stated that applicant has attained eligibility for promotion to the grade of Asstt. Director/Manager Gr. I/Section Officer way back in the year 1993 but after a lapse of 12 years the applicant has not been considered for promotion on regular basis inspite of availability of large numbers of vacancies due to non-holding of DPC as such prospect of promotion of the applicant in the next higher grade is also adversely effected. In such a compelling circumstances the applicant submitted a representation on 03.01.2006 addressed to the Director General, ESIC, New Delhi with the request to consider his case for regular promotion since large number of vacancies are available in the promotional grade of Asstt. Director/Manager Gr. I/Section Officer.

In the circumstances as stated above the applicant is approaching this Hon'ble Tribunal for a direction upon the respondents to consider the case of the applicant for promotion on regular basis to the grade of Asstt. Director/Manager Gr. I/Section Officer by holding DPC immediately and also be pleased to pass order directing the respondents to grant promotion at least from the date of availability or occurring vacancy in the promotional cadre with all consequential service benefits including seniority and arrear monetary benefits.

Copy of the representation dated 03.01.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VII.

4.14 That the respondent No. 5 Shri P. Sutradhar has been impleaded as a private respondent in the instant Original Application since the applicant praying for setting aside of the adhoc promotion order dated 26.09.2003 as well as order dated 19.10.2005. Shri P. Sutradhar is impleaded as private respondent with the view of intention that he will represent other adhoc appointees/promotees who are likely to be effected in the event of setting aside of the impugned promotion order dated 26.09.2003 as well as impugned order dated 19.10.2005 and at the same time it is declared that

the Original Application has been filed against the existing policy of adhoc promotion adopted by the respondent Corporation.

Copy of the order dated 14.10.2005 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VIII.

4.14 A That it is stated that during the pendency of the Original Application, the respondent ESI Corporation have issued the impugned order of promotion vide office order No. 137/2006 bearing letter No. A-33 (13) 1/2003-E.1 dated 15.12.2006 whereby inasmuch as 185 Officers including the applicant have been promoted on regular basis to the cadre of Insurance Inspectors/Branch Managers Gr. III/Superintendents (in the pay scale of Rs. 5500-175-9000/-) and to the cadre of Assistant Directors/Branch Managers Gr. I/Section Officers (in the pay scale of Rs. 6,500-200-10,500/-) on the recommendation of DPC/UPSC.

(Copy of the impugned promotion order dated 15.12.2006 is enclosed as Annexure-IX).

4.14 B That your applicant further begs to say that on a mere reading of the promotion order dated 15.12.2006, it would be evident that promotion of the applicant along with seniors as well as with large numbers of juniors i.e. 184 juniors of the applicant have been promoted by the same impugned order of promotion dated 15.12.2006. It is specifically stated that vacancies were accumulated since 2000-2006, but the DPC was held by the respondents during the month of Nov/Dec, 2006 i.e. after receipt of the notices in O.A No. 32/2006 wherein the applicant have raised two specific contention that the officiating/temporary ad hoc promotions which were allowed to continue beyond the period of 1 year are void-ab initio since the same is contrary to the provision laid down in sub-section (3) of Sec 17 of ESIC Act, 1948 and the applicant also contended that since those ad hoc temporary promotion have been allowed without taking any approval from the UPSC as such those ad hoc promotion are not sustainable in the eye of law beyond the period of 1 year. Moreover, ad

hoc promotions beyond the period of 1 year also contrary to instruction of Govt. of India.

The applicant also contended that vacancies were available since 2000-2001, therefore DPC is liable to be conducted for preparing year wise panel and he is entitled to promotion at least from the date of occurrence of the vacancy with all consequential service benefit. But now in view of the impugned promotion order dated 15.12.2006, the benefit of antedating promotion has been denied to the applicant without preparing year wise panel. As a result, the benefit of promotion have been granted to the applicant only from a prospective date i.e. the date when the applicant will assume the charge of promotional post. In this connection it is relevant to mention here that applicant has attained eligibility for promotion to the cadre of Asstt. Directors/Branch Manager Grade-I/ Section Officer way back in the year 1993. Moreover, in the impugned promotion order dated 15.12.2006 it has been stated that the promotes who are already officiating as Asstt. Directors/ Branch Manager Grade-I/Section officer in the pay scale of Rs. 6500-200-10,500 on 08.11.2006 i.e the date of communication of the UPSC would be deemed to have been promoted o regular basis w.e.f. 08.11.2006, as a result even the junior persons who have availed the ad hoc promotion are getting antedating benefit of promotion i.e. w.e.f. 08.11.2006 and as a result they are going to be senior to the present applicant. As such the applicant is going to be adversely effected on two grounds, firstly the applicant has been denied antedating promotion due to non-preparation of year wise panel by the DPC, in other words vacancies which occurred in between 2000-2006 have been clubbed together in total violation of the Govt. of India's instruction and thereby denied the antedating promotion to the applicant, and secondly the benefit of promotion and seniority have been granted even to the juniors of the applicant who were officiating in the promotional post illegally vide impugned order of ad hoc promotion dated 26.09.22003 as well as 19.10.2005 as because those officiating promotions beyond 1 year is not sustainable in the eye of law in view of the specific provision laid down in Sub Sec (3) of Sec 17 of the ESI ACT, 1948. As such ad hoc promotion granted vide order dated 26.09.2003 and 19.10.2005 are not

valid and sustainable in the eye of law. Moreover, preparation of year wise panel is a mandatory requirement as per rule and the same cannot be ignored by the respondent Corporation and on that score alone, the impugned promotion order dated 15.12.2006 is liable to be reviewed/modified.

It is pertinent to mention here that due to clubbing together of vacancies, the junior persons who have attained eligibility at a much later point of time has been considered along with the applicant in a arbitrary manner. Therefore preparation of year wise panel is mandatory as per law.

In the circumstance stated above, Hon'ble Tribunal be pleased to direct the respondents to review/modify the impugned promotion order dated 15.12.2006 by preparing year wise panel, by holding review DPC. The applicant in the instant case relies upon the following decisions.

- (1) 1997 (9) SCC, 287
U.O.I and Ors. - Vs- N.R Banerjee & Ors.
- (2) 1998 (9) SCC 223
B.L. Gupta - Vs- MCD
- (3) 2003 (2) GLT, 371
Militatu and another - Vs- State of A.P and Ors.
- (4) 1995 (2) SLR 695
B.K. Sangal - Vs- U.O.I and Ors.

4.15 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, in terms of Sub Section (3) of the Section 17 of the ESIC Act 1948 specifically provided that the officiating or temporary promotion should not continue beyond 1 year.
- 5.2 For that, the adhoc appointees/promotees, promoted vide impugned order dated 26.09.2003 as well as dated 19.10.2005 are still continuing for more than 2 years in violation of Sub sec (3) Section 17 of the ESIC Act 1948.

5.3 For that, the respondent Corporation did not take any approval from UPSC for continuing the officiating/adhoc promotion beyond 1 year and the ESIC Act 1948 specifically declared a bar for allowing adhoc promotion beyond 1 year without approval of UPSC.

5.4 For that, it is mandatory on the part of the respondent Corporation to hold regular/frequent DPC for consideration of promotion of eligible Govt. employees who fall within the zone of consideration for filling up the existing and anticipatory vacancies.

5.5 For that, large numbers of regular vacancies fall vacant since 2000-2001 in the cadre of Asstt. Director/Manager Gr. I/Section Officer in the respondent Corporation but neither any effort is made nor any initiation is taken from the end of respondent Corporation to fill up the vacancies by promoting the eligible officers like the applicant in the higher post on regular basis.

5.6 For that, inspite of availability of large number of vacancies in the cadre of Asstt. Director/Manager Gr. I/Section Officer the respondent Corporation resorted to fill up the promotional post on adhoc basis with arbitrary terms and conditions which is contrary to the instructions issued by the Govt. of India from time to time.

5.7 For that, adhoc appointees/promotees who were appointed/promoted way back in 2003, pursuant to the Corporation's order dated 26.09.2003 are still continuing on adhoc promotion in violation of provision laid down in Sub sec (3) of Section 17 of the ESIC Act 1948.

5.8 For that the adhoc promotees are continuing beyond 2 years who were appointed pursuant to the order dated 26.09.2003 in violation of provisions of ESIC Act 1948.

5.9 For that Govt. of India repeatedly instructed all Central Govt. departments, Corporation, Govt. undertakings, Public Enterprises not to fill up the vacancies on adhoc basis except exceptional circumstance if

exists and restricted such adhoc promotion/appointment limited to only 1 year.

5.10 For that as a result of non-holding of DPC, the service prospect of the applicant has been adversely effected as because he is loosing seniority, fixation benefit in the higher scale of pay and his promotion prospect for next higher post has also been suffered adversely.

5.11 For that the Govt. of India issued instructions to hold DPC on regular interval for consideration of promotion of eligible officers but the respondent Corporation deliberately violated the said instructions and resorted to adhoc promotion.

5.12 For that the applicant has attained eligibility for promotion in the grade of Asstt. Director/Manager Gr. I/Section Officer way back in the year 1993 but inspite of availability of vacancies since 2000-2001 the case of the applicant has not been considered for regular promotion by holding regular DPC deliberately in violation of Govt. instructions issued from time to time.

5.13 For that respondents Corporation again issued another promotion order vide officer order dated 19.10.2005 imposing arbitrary conditions of adhoc promotions denying seniority benefit in the event of availing adhoc promotion and also there is a threat of reversion in the lower post without issuing any notice.

5.14 For that juniors of the applicant are also being allowed on officiating/ adhoc promotion for more than 2 years without making any effort to hold regular DPC with the deliberate intention to deny regular promotion to the applicant.

5.15 For that the impugned promotion order dated 15.12.2006 have been issued without preparing year wise panel which is a mandatory requirement of the Rule, and thereby applicant has been denied antedating promotion, seniority and other benefits.

5.16 For, that juniors have been promoted w.e.f 08.11.2006 when applicant has been provided the benefit of promotion from a prospective date, which will adversely affect the seniority and promotion prospect of the applicant.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them except O.A. No. 5/2006, now pending before this Hon'ble Tribunal.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned office order No. 614 of 2003, bearing No. A-22/13/1/2003-E.I (A) dated 26.09.2003 (Annexure- III) as well as office order No. 500 of 2005, bearing letter No. A33/12/1/97-E. I Col. II dated 19.10.2005 (Annexure-IV).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to prepare year wise panel by holding regular DPC with immediate effect with the approval of the UPSC and to grant promotion benefit to the applicant at least from the date of occurring of the vacancies in the grade of Asstt.

Director/Manager Gr. I/Section Officer with all consequential service benefits, seniority and arrear monetary benefits.

8.2 A That the Hon'ble Tribunal be pleased to direct the respondents to review/modify the impugned promotion order bearing No. A-33 (13) 1/2003-E.I dated 15.12.2006 (Annexure- IX), directing the respondents to prepare year wise panel and to grant the benefit of promotion to the cadre of Asstt. Director/Manager Gr. I/Section officer at least from the date of occurrence of the vacancy with all consequential service benefit including seniority and arrear monetary benefit.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this Original Application shall not be a bar for granting the reliefs as prayed for.

10.

11. Particulars of the I.P.O

i) I.P.O No. :
ii) Date of issue :
iii) Issued from :
iv) Payable at :

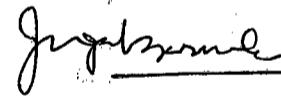
12. List of enclosures:

As given in the index.

VERIFICATION

I Shri Jugal Baruah, S/o- Late Kula Chandra Baruah, aged about 50 years, working as Superintendent, in the Regional office, Employees State Insurance Corporation, Bamunimaidan, Guwahati- 21, Assam do hereby verify that the statements made in Paragraph 4 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of September 2007.


Jugal Baruah

गोपनीय गजेट ऑफ इंडिया The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० १] नई दिल्ली, शनिवार, जन० ४, १९९७ (प्र० १४, १९१८)।

No. 1] NEW DELHI, SATURDAY, JANUARY 4, 1997 (PUASA 14, 1918)

III III ਖੁਣਾ 4
PART III--SECTION 4

[विधिध अधिकूवताएं जिनमें प्रारंभिक विवाहों द्वारा जारी हो एवं अधिकूवताएं, आदेश विशापन और नोटिस शामिल हैं ।]

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

गारण्या दिग्गं वेद

नेत्रीय ग्रन्थालय

गरमारी और बैक ऐवा यिनां

वालई, रिहाई ५ जनवरी १९८७

Attested
Dwight
Advocate

1	2	3	4
41. 201693	Mr. Ramakrishnan S. ACA Asst. Vice President Bank of America 748 Anna Salai Madras 600 002		26-08-96
42. 202978	Ms. Sangeeta Harbanslal Gupta, CA Chartered Accountant M/s Lovelock & Lewes 4th Floor Lingapur House Himayatnagar Hyderabad 500 029		24-06-96

K.R.A.N. IYER
Secretary (Current Charge)

EMPLOYEES' STATE INSURANCE CORPORATION

New Delhi, the 20th December 1996

No. A-12(1)-1/87-E-II(A).—In exercise of the powers conferred by sub-section (1) of section 97 read with clause (xxi) of sub-section (2) and sub-section (2A) of that section and sub-section (2) of section 17 of the Employees' State Insurance Act, 1948 (34 of 1948 as amended) and in supersession of Employees' State Insurance Corporation (Recruitment) Regulations, 1965, in so far as they relate to the posts of Assistant Regional Director/Manager Grade-I/Section Officer/Dy. Account Officer as amended from time to time, except in respect of the things done, or omitted to be done before such supersession, the Corporation hereby makes, with the approval of the Central Government, the following regulations, regulating the method of Recruitment to the post of Assistant Regional Director/Manager Grade-I/Deputy Accounts Officer/Section Officer, namely:—

1. Short Title and Commencement

- (i) These Regulations may be called Employees' State Insurance Corporation (Assistant Regional Director/Manager Grade-I/Section Officer/Deputy Accounts Officer) Recruitment Regulations, 1996.
- (ii) They shall come into force on the date of their Publication in the Official Gazette.

2. Number of Post, Classification and Scale of Pay:

The number of the posts, their Classification and the scale of pay attached thereto, shall be as specified in column 2 to 4 of the schedule annexed to these regulations.

3. The Method of Recruitment, Age Limit, Qualification:

The method of recruitment, age limit, qualifications and other matters relating to the said posts, shall be specified in column 5 to 14 of the said schedule.

4. Disqualification:

No Person:—

(a) who has entered into or contracted a marriage with a person having spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts, provided that the Director General of the Corporation, may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of these regulations.

5. Power to Relax:

Where the Director General of the Corporation is of the opinion that it is necessary or expedient so to do, he may, after taking prior approval of the Central Government, and in Consultation with the Union Public Service Commission, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of person.

6. Residuary Matters:

Subject to the provisions of these regulations, all other regulations and instructions laid down in E.S.I. Corporation (Recruitment) Regulations, 1965 as amended from time to time, applicable to the corresponding category of Officers in the Corporation, shall apply to the post specified in the Schedule annexed to these regulations.

7. Savings:

Nothing in these regulations shall affect reservations and other concessions required to be provided for the Scheduled Caste the Scheduled Tribes, OBC's and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

S. K. SHARMA
Director General

RECRUITMENT RULES FOR THE POST OF ASSISTANT REGIONAL DIRECTOR/ MANAGER GRADE-I/ SECTION OFFICER/DEPUTY ACCOUNTS OFFICER

IN THE ESI CORPORATION

Name of Post	No. of post	Classification of pay	Scale of pay (Rs.)	Whether selection or non-selection post	Age limit for selection or direct non-selectio n post	Whether benefit of added years of service admissible	Educational qualification reqd. for direct recruits	Whether age & educational qualifications prescribed for direct recruits	Whether age & educational qualifications will apply in the case of direct recruits, will be imposed	Period of probation
1	2	3	4	5.	6	7	8	9	10	
Asst. Regional Director/ Manager Gr. I/- Section Officer/ Dy. Accounts Officer	*141	Group B Ministerial	2000-60 2300- 12B- 75-3200- 100- 3600-	selection	Not applicable	Not applicable	Not applicable	Not applicable		2 years
*(1996). Subject to variation Dependent on workload.										

Method of Recrt. whether by Direct Recrt. or by promotion or by Direct promotion/transfer & ½ of the vacancy to be filled by various methods:	In case of Recrt. by Promotion Deputation/Transfer, Grades from which promotion/deputation/transfer to be made:	If A DPC exists what is its composition	Circumstances in which U.P.S.C. to be consulted in making recrt.
11	12	13	14

Promotion	Promotion	DPC (For considering Promotion)	Consultation with U.P.S.C. necessary
	Insurance Inspector/Manager Grade II/ Supdt. in the pay Scale of Rs. 1640-2900 with three years regular service in the grade. Note : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their Seniors would also be considered provided They are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years which ever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.	1. Chairman/Member, U.P.S.C. : Chairman 2. Insurance Commissioner, E.S.I.C. : Member 3. Director of Administration, E.S.I.C. : Member	

16. Principal Officers.—(1) The Central Government may, in consultation with the Corporation, appoint a Director General and a Financial Commissioner.

(2) The Director General shall be the Chief Executive Officer of the Corporation.

(3) [The Director General and The Financial Commissioner] shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government [and of the Corporation].

(4) [The Director General or the Financial Commissioner] shall hold office for such period, not exceeding five years as may be specified in the order appointing him. An outgoing [Director General or Financial Commissioner] shall be eligible for reappointment if he is otherwise qualified.

(5) [The Director General or the Financial Commissioner] shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified from being appointed as or for being [the Director General or the Financial Commissioner] if he is subject to any of the disqualifications specified in section 13.

(7) The Central Government may at any time remove [the Director General or the Financial Commissioner] from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post [the maximum monthly salary of which [exceeds such salary as may be prescribed by the Central Government].

(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

1. Subs. by Act 29 of 1989, sec. 6, for sub-section (1) (w.e.f. 20-10-1989).

2. Subs. by Act 29 of 1989, sec. 6, for "The Principal Officers" (w.e.f. 20-10-1989).

3. Ins. by Act 44 of 1966, sec. 10 (w.e.f. 17-6-1967).

4. Subs. by Act 29 of 1989, sec. 6, for "A Principal Officer" (w.e.f. 20-10-1989).

5. Subs. by Act 29 of 1989, sec. 6, for "Principal Officer" (w.e.f. 20-10-1989).

6. Subs. by Act 38 of 1975, sec. 3, for "with a maximum monthly salary of five hundred rupees and above" (w.e.f. 1-9-1975).

7. Subs. by Act 29 of 1989, sec. 7, for "exceeds two thousand and two hundred fifty rupees".

8. Subs. by Act 29 of 1989, sec. 7(h), for sub-section (2) (w.e.f. 1-11-1989).

(b) In determining the corresponding scales of pay of the members of the staff under clause (a), the Corporation shall have regard to the education qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.

(3) 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.

[Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade].

(4) If any question arises whether a post corresponds to a [Group A and Group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.

18. Powers of the Standing Committee.—(1) Subject to the general superintendent and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of insured persons.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

1. Subs. by Act 44 of 1966, sec. 11, for post carrying a maximum monthly pay to five hundred rupees and above" (w.e.f. 17-6-1967).

2. Subs. by Act 29 of 1989, sec. 7(h)(i) (w.e.f. 16-3-1990).

3. Subs. by Act 29 of 1989, sec. 1 for "Class I or Class II" (w.e.f. 27-1-1989).

4. Subs. by the A.O. 1970, for "Federal Government".

5. Subs. by Act 29 of 1989, sec. 7(h)(b), for "and aggregate period" (w.e.f. 20-10-1989).

6. Subs. by Act 29 of 1989, sec. 7(h)(c) (w.e.f. 20-10-1989).

7. Subs. by Act 29 of 1989, sec. 7(h)(d) (w.e.f. 17-6-1967).



No. A-22/13/1/2003-E.I(A)

-24-

Dated: 28.09.2003

Annexure-III

OFFICE ORDER NO. 614 OF 2003

The following promotions/transfers/postings are ordered by the Competent Authority:-

Sl. No.	Name of the Officer S/Shri/Ms.	Present place of posting as I.I / Mgr. Gr.II / O.S	Region/Sub-Region/Office in which posting is now ordered as Asst. Director/ Section Officer/ Manager Gr. I on ad-hoc basis
1	2	3	4
1.	N.D. Chawla	Maharashtra	Thane Sub-Region
2.	P.K. Sudeshan	Rajasthan	Kerala
3.	K.J. Rao	Andhra Pradesh	Andhra Pradesh
4.	P. Venkatachalam (ST)	Tamil Nadu	Tamil Nadu
5.	Ravindra Nath Ojha	Madhya Pradesh	A.D. R.O. Madhya Pradesh
6.	Nizamuddin	Karnataka	Hubli Sub-Region
7.	HJ Sagar	Karnataka	Hubli Sub-Region
8.	JS Gawade	Pune	Pune Sub-Region
9.	KS Chauhan	Gujarat	Gujarat
10.	B.D. Patted	Karnataka	Karnataka
11.	Mohan Singh Rawat	Rajasthan	Haryana
12.	PG Narvankar	Maharashtra	Mumbai
13.	Rehan Ganj	Madhya Pradesh	Madhya Pradesh
14.	AM Ramanathan	Karnataka	Karnataka
15.	G.K. Bandyopadhyay	West Bengal	West Bengal
16.	Karan Singh	Haryana	Haryana
17.	SU Sule	Maharashtra	Mumbai
18.	R Nageswaran	Tamil Nadu	Vijayawada Sub-Region
19.	Mrs. R Banumathi	Coimbatore	Coimbatore
20.	D Yogananda Rao	Tamil Nadu	Pondicherry
21.	K Prakasam	Andhra Pradesh	Andhra Pradesh
22.	GS Murthy	Andhra Pradesh	Andhra Pradesh
23.	K Vijayan	Kerala	Kerala
24.	Kamalakar Kelkar	Pune	Pune Sub-Region
25.	Gangabishan	Delhi	Delhi
26.	Manjeet Singh-II	Delhi	Delhi
27.	PK Kundu	West Bengal	West Bengal
28.	Jugal Barua	Assam	West Bengal
29.	A Jothi Pandian	Tamil Nadu	Vijayawada Sub-Region
30.	PV Lazar	Kerala	Kerala
31.	U Rajendran	Coimbatore	Coimbatore
32.	Kanti Ranjan Munshi	West Bengal	West Bengal
33.	Bachna Ram	Punjab	Punjab
34.	MK Jain	Rajasthan	Rajasthan
35.	R Kasinathan	Karnataka	Karnataka
36.	BA Parvathi	Karnataka	Delhi Sub-Region
37.	CH Admane	Nagpur	A.D. SRO, Nagpur
38.	PV Santha Kumar	Tamil Nadu	Tamil Nadu
39.	Basudeb Mukhopadhyay	West Bengal	West Bengal
40.	CM Malhotra	Haryana	Haryana
41.	KP Hariharan	Tamil Nadu	Tamil Nadu
42.	V Madhavi RV Raman	Pune	Pune Sub-Region
43.	SK Pal	West Bengal	West Bengal
44.	Anil Kumar Banerjee	Uttar Pradesh	Uttar Pradesh
45.	JK Sabnis	Maharashtra	Mumbai
46.	VP Sinha	Bihar	Bihar
47.	Rani Chandra Kalbhor	Pune	Pune Sub-Region
48.	TK Sharma	Rajasthan	A.D. SRO, Surat
49.	Om Prakash	Haryana	Haryana
50.	K Raghurama V Shetty	Maharashtra	Mumbai
51.	VS Katre	Pune	Pune Sub-Region
52.	Mrityunjay Pal	West Bengal	West Bengal
53.	Mangal Bhattacharjee	West Bengal	West Bengal
54.	TR Pandey	Delhi	Delhi
55.	Rakesh Kumar Gupta	Uttar Pradesh	Uttar Pradesh
56.	RN Mohrana	Madhya Pradesh	Madhya Pradesh
57.	Jagannathan R	Karnataka	Karnataka

Attested
Rita
Advocate

1	2	3	4
58.	Ajay Kumar	Delhi	Delhi
59.	Prakash Chand	Hqrs.	Delhi
60.	SQ Gupta	Delhi	Delhi
61.	RC Talwar	Delhi	Marol Sub-Region
62.	VK Roda	Delhi	Baroda Sub-Region
63.	J Kumaraswami	Andhra Pradesh	Vijayawada Sub-Region
64.	VK Taneja	D(M)D	Punjab
65.	M.Kalavanan	Tamil Nadu	Vijayawada Sub-Region
66.	RK Chakraborty	West Bengal	West Bengal
67.	S Jayaraj	Tamil Nadu	Vijayawada Sub-Region
68.	B. L. Pachoria	Madhya Pradesh	Madhya Pradesh
69.	Smt. Vilayakshmi	Andhra Pradesh	Andhra Pradesh
70.	K.K. Gupta	Rajasthan	Rajasthan
71.	VS Parmar	Gujarat	Gujarat
72.	AS Mahida	Maharashtra	Mumbai
73.	RN Brahme	Maharashtra	Mumbai
74.	LC Suryavanshi	Nagpur	Nagpur Sub-Region
75.	SH Ganesh	Nagpur	Nagpur Sub-Region
76.	VP Kadam	Pune	Pune Sub-Region
77.	SD Katre	Pune	Pune Sub-Region
78.	V Aruna Kumar	Andhra Pradesh	Andhra Pradesh
79.	D.K.Sammadhar	West Bengal	West Bengal
80.	Prakash Chand	Haryana	Haryana
81.	P Anandaraao	Andhra Pradesh	Andhra Pradesh
82.	Surjan Lal	Punjab	Punjab
83.	S Subramani	Karnataka	Karnataka
84.	K Madhava Rao	Andhra Pradesh	Andhra Pradesh
85.	D. Vijay Kumar	Andhra Pradesh	Vijayawada Sub-Region
86.	A.B. Sastry	Andhra Pradesh	Andhra Pradesh
87.	Ram Chandra	Hqrs.	Hqrs.
88.	Preml Chand	Punjab	Punjab
89.	K.O.Rappai Kutty	Kerala	Kerala
90.	S.S.Srivastava	Uttar Pradesh	Uttar Pradesh
91.	Parveen Moudgil	Haryana	Haryana
92.	K.P.Jose	Kerala	Kerala
93.	Ramesh Kumar Chotla	Rajasthan	Rajasthan
94.	Mohd. Ashfaque	Madhya Pradesh	Madhya Pradesh
95.	K.N.Vikraman	Kerala	Kerala
96.	Anand Kumar	Haryana	Haryana
97.	Sharda Manjunath	Andhra Pradesh	Andhra Pradesh
98.	Pankaj Kumar	Delhi	Rajasthan
99.	T.E.Venkatesan	Tamil Nadu	Tamil Nadu
100.	R.Velu	Tamil Nadu	Tamil Nadu
101.	Ravish Chandra Mandloi	Madhya Pradesh	A.D. ESIC H, Nagda
102.	C.N.Raj	Coimbatore	Coimbatore
103.	M.Rajendran	Madurai	A.D. SRO, Madurai
104.	Vasudev	Rajasthan	A.D. (Fin.), ESIC H, Nagda
105.	R.P. Sharma	Rajasthan	Madhya Pradesh
106.	Boben Raphael	Kerala	Kerala
107.	K.Santhalakshmi	Tamil Nadu	Tamil Nadu
108.	K.N.Radhakrishnan	Kerala	Kerala
109.	S.Pysone Gnanara	Madurai	Madurai Sub-Region
110.	S.Thaulath Khan	Tamil Nadu	Pondicherry
111.	K.Sasidharan	Kerala	Kerala
112.	J.Karunanidhi	Tamil Nadu	Vijayawada Sub-Region
113.	G.Kuruppan	Kerala	Kerala
114.	Praveen Kumar	Hqrs.	S.O, Hqrs.
115.	Bandaru Subba Rao	Maharashtra	Mumbai
116.	S.Ganesan	Madurai	Madurai Sub-Region
117.	J.Vergheese	Kerala	Kerala
118.	Tessy Franco	Kerala	Kerala
119.	Debabrata Pramanik	West Bengal	West Bengal
120.	P.R.Valsampayan	Maharashtra	Mumbai
121.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
122.	Ravinder Singh	Uttar Pradesh	Uttar Pradesh
123.	G.Vasanth Kumar	Madurai	Madurai Sub-Region
124.	Ram Sudhar Ram	Uttar Pradesh	Uttar Pradesh
125.	G.Selvakumar	Tamil Nadu	Tamil Nadu
126.	P.Sutradhar	Assam	West Bengal
127.	Subodh Kr. Sasmal	West Bengal	West Bengal

1	2	3	4
128.	E.D.Ravindran	Kerala	Kerala
129.	Sindo Ram	Punjab	Punjab
130.	A.K.Nim	Delhi	Madhya Pradesh
131.	Bihari Ram	Gujarat	Gujarat
132.	P.Kamarej	Tamil Nadu	Tamil Nadu
133.	S.Mahalingam	Madurai	Kudurul Sub-Region
134.	Anal Kumar Pal	Bihar	Jharkhand
135.	M.Biswas	Assam	West Bengal
136.	M.Doral	Karnataka	Andhra Pradesh
137.	Chander Singh	Haryana	Haryana
138.	Chandra Parkash	Bihar	Bihar
139.	Mohinder Singh	Rajasthan	Nagpur Sub-Region
140.	L.B.Yadav	Maharashtra	Mumbai
141.	T.R.Unnikrishnan	Maharashtra	Marol Sub-Region
142.	Mangalam Gogla	Hqrs.	S.O. Hqrs.
143.	A.L.Trivedi	Gujarat	Gujarat
144.	N.T.Palinter	Gujarat	Gujarat
145.	N.G.Panchal	Gujarat	Gujarat
146.	D.A.Thakkar	Gujarat	Gujarat
147.	P.S.Peswani	Gujarat	Gujarat
148.	C.S.Parsad	Bihar	Bihar
149.	L.N.Joshi	Gujarat	Gujarat
150.	C.B.Patel	Gujarat	Gujarat
151.	M.P.Ram	Gujarat	Gujarat
152.	M.S.Patel	Gujarat	Gujarat
153.	D.H.Prajapati	Gujarat	Gujarat
154.	P.K.Gupta	Rajasthan	Pune Sub-Region
155.	M.Laxminarayana	Andhra Pradesh	Andhra Pradesh
156.	Gurbachan Dass	Haryana	Haryana
157.	Jaglal Chaudhary	Bihar	West Bengal
158.	B.Balakrishnan	Andhra Pradesh	Andhra Pradesh
159.	M.Velayudhan	Kerala	Kerala
160.	D.S.Poonya	Maharashtra	Marol Sub-Region
161.	M.Siddarama	Karnataka	Karnataka
162.	Kanwal Nain	Punjab	Punjab
163.	S.C.Mondal	West Bengal	West Bengal
164.	R.N.Rana	Orissa	West Bengal
165.	S.C.Mishra	Hqrs.	Madhya Pradesh
166.	Chander Shekhar	Punjab	Punjab
167.	Vir Sen	Haryana	Haryana
168.	I.M.Kapoor	Punjab	Punjab
169.	K.S.Rawat	Punjab	Punjab
170.	Mohd.Ishaq	Rajasthan	Rajasthan
171.	U.Mohrana	Orissa	West Bengal
172.	S.K.Das (SC)	West Bengal	West Bengal
173.	G.Chandrasekhar (SC)	Karnataka	Karnataka
174.	T.Santhamma (SC)	Karnataka	Karnataka
175.	S.G.Desai	Gujarat	Baroda Sub-Region
176.	S.K.Chaturvedi	Hqrs.	Uttar Pradesh
177.	Rajbir Singh (SC)	Delhi	Punjab
178.	Ram S.Kunharly (SC)	Rajasthan	Pune Sub-Region
179.	Rajbir Lal (SC)	Delhi	Marol Sub-Region
180.	T.R.Narasing Rao (ST)	Andhra Pradesh	Andhra Pradesh
181.	V.K.Narayanan (ST)	Kerala	Kerala
182.	Mrs.Nalini (SC)	Hqrs.	S.O. Hqrs.
183.	Mrs.T.N.Thankamani (SC)	Kerala	Kerala
184.	Smt.M.Ammiini (SC)	Kerala	Kerala
185.	Kanhalaya Lal (SC)	D(M)D	Marol Sub-Region
186.	Chander Sen (SC)	D(M)D	Thane Sub-Region
187.	K.Devraj (SC)	Karnataka	Karnataka
188.	P.K.Krishnan (SC)	Kerala	Kerala
189.	Har Sahal (SC)	Uttar Pradesh	Uttar Pradesh
190.	P.K.Pappu (SC)	Kerala	Kerala
191.	N.Loganathan (ST)	Colmbatore	Kerala
192.	R.Raju (ST)	Karnataka	Karnataka
193.	Jal Naren Meena (ST)	Rajasthan	Pune Sub-Region
194.	Kikumba Longchar (ST)	Assam	West Bengal
195.	Harshran Meena (ST)	Uttar Pradesh	Delhi
196.	Ramesh M.Mugdur (ST)	Karnataka	Karnataka
197.	K.R.Vijayan (SC)	Kerala	Kerala

1	2	3	4
198.	Pritam Chand (SC)	Delhi	Thane Sub-Region
199.	S.Ashok Kumar (SC)	Madurai	Vijayawada Sub-Region
200.	Raghbir Singh (SC)	Uttar Pradesh	Uttar Pradesh
201.	V. Srinivas (SC)	Karnataka	Vijayawada Sub-Region
202.	H.P.Jansari (SC)	Gujarat	Gujarat
203.	P.D.Parmar (SC)	Gujarat	Gujarat
204.	K.B.Chavda (SC)	Gujarat	Baroda Sub-Region
205.	D.B.Londhe (SC)	Maharashtra	Thane Sub-Region
206.	S.B.Deolakar (SC)	Maharashtra	Thane Sub-Region
207.	Sudhir Kr. Roy (SC)	West Bengal	West Bengal
208.	Bhinal Ram (SC)	West Bengal	West Bengal
209.	Pankaj Kr. Dhali (SC)	West Bengal	West Bengal
210.	Sujit Kr. Tikadar (SC)	West Bengal	West Bengal
211.	A.L. Sarode (SC)	Pune	Pune Sub-Region
212.	S.B. Sonawane (SC)	Pune	Pune Sub-Region
213.	Heera Singh (ST)	Delhi	Thane Sub-Region
214.	Laxman Narain Meena (ST)	Rajasthan	Pune Sub-Region
215.	Sugan Lal Meena (ST)	Rajasthan	Andhra Pradesh
216.	Tril Kant Choudhary (ST)	West Bengal	West Bengal
217.	Sonam (ST)	Punjab	Punjab
218.	Mahadev Meena (ST)	Rajasthan	West Bengal
219.	Debasish Baruah (ST)	West Bengal	West Bengal
220.	Rajendra Tudu (ST)	Bihar	West Bengal

The promotion of all the officials is ordered purely on temporary and ad-hoc basis. They are likely to be reverted to their lower post without any notice or assigning any reason therefor. It is made clear to them that the ad-hoc promotion shall not confer on them any right either to continue in the post or for regular promotion in future. The period of service rendered by them on ad-hoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of these officers on promotion in the pay scale of Rs. 6500 -10500/- will be fixed under the normal rules.

All postings are ordered in public interest and the officers are entitled to TA, DA and Joining Time as per rules, wherever admissible.

All the officers except those shown against Sl. Nos. 5,37,87, 101,103,104,114, 142, 170 and 182 are posted as Managers Grade I in the Regions/ Sub-Regions shown against each in Col. No. 4. Their services will be utilized only as Managers Grade I in the upgraded Local Offices. The order in respect of the officers shown against Sl. Nos. from 1 to 4 are issued in partial modification of the earlier Office Order No. 321 of 2003 of 20.6.2003 and the Office Order No. 403 of 2003 dated 8.7.2003.

This order comes into force with immediate effect.

The officers posted as Managers Grade I outside their present Regions / Offices of postings will be relieved by their controlling officers only after the orders regarding their places of postings in the new Regions / Sub-Regions are received by them.

The charge report(s) may be sent to all concerned.

Hindi version will follow.

5/13/2003
(R. NATARAJAN)
JOINT DIRECTOR-I (A)

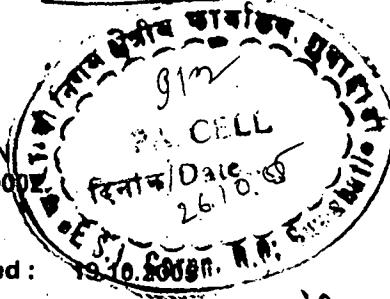
1. The Officers concerned
2. All the Officers of the Hqrs. Office
3. All the Regional Directors
4. All the Directors
5. All the Jt. Directors l/c of the SROs
6. D(M)Delhi/ D(M) Noida/ Director, ESI Hospital, K.K. Nagar/ Director (Family Welfare Project), New Delhi.
7. All the Medical Superintendents of ESIC Hospitals
8. All the Medical Superintendents of ESIC Model Hospitals
9. The concerned Jt. Directors (Fin.) and Dy. Directors (Fin.)
10. The Librarian, Hqrs.
11. Official Language Branch, Hqrs. Office for Hindi version.
12. Copy for personal file(s)/Guard file/spare copy.



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HEADQUARTERS
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAVAN: C.I.G. ROAD: NEW DELHI-110001
<http://esic.nic.in>

Annexure-IV



No. A33/12/1/97-E.I Col. II

Dated : 19/10/2005, T.T. 165

OFFICE ORDER No. 500 OF 2005

The Director General is pleased to order the promotion of the following officers in the grade of Insurance Inspector (in the pay scale of Rs.5500 - 9000/-) to the grade of Assistant Director / Manager Gr. I / Section Officer (in the pay scale of Rs.6500 - 10500) on adhoc basis and post them as follows:-

Sl. No.	Name of the Officer S/Shri/Smt.	Present place of posting as I.I / Mgr.Gr.II/ Supdt.	Region/Sub-Region/Office in which posting is now ordered as Asst. Director/ Section Officer/ Manager Gr.I on adhoc basis
1.	Ashok Kumar Parida	Karanataka	Karanataka
2.	W. Suresh Manuel	Coimbatore	Coimbatore
3.	Nizamuddin	Karnataka	Andhra Pradesh
4.	Bhagwan Singh	Jharkhand	West Bengal
5.	B.K. Sinha	Bihar	Bihar
6.	Jugal Barua	Assam	West Bengal
7.	DK Sarkar "	West Bengal	West Bengal
8.	RN Mohrana	Orissa	West Bengal
9.	KK Kureel	Uttar Pradesh	Noida
10.	VK Roda	Delhi	Hqrs.
11.	VK Taneja	D(M)D	D(M)D
12.	M Kalaivanan	Tamil Nadu	Karnataka
13.	S Jayaraj	Tamil Nadu	Tamil Nadu
14.	Pankaj Kumar	Delhi	Hqrs.
15.	J.Shiva Shankar	Andhra Pradesh	Andhra Pradesh
16.	Baldev Raj	Uttar Pradesh	Uttar Pradesh
17.	A.K.Nim	Delhi	Hqrs.
18.	M.Koodalingam	Coimbatore	Kerala
19.	M.Dorai	Karnataka	Goa
20.	Jagjal Chaudhary	Jharkhand	Jharkhand
21.	Ramulu	Andhra Pradesh	Andhra Pradesh
22.	D.Sugumaran	Karnataka	Karanataka
23.	S.K.Chaturvedi	Hqrs.	Hqrs.
24.	P.N.Bhasin	Delhi	Delhi
25.	Ram Swaroop Kunhariya	Rajasthan	Madhya Pradesh
26.	Ramesh Chander -II	Delhi	Hqrs.
27.	Mrs. Saroja Ashokan	Pune	Pune
28.	Amarjeet Kumar	Punjab	Punjab
29.	D.N. Dhalgera	Gujarat	Gujarat
30.	S.S.Hirani	Gujarat	Gujarat
31.	Chander Sen	D(M)D	D(M)D
32.	Saheb Ram Singh	Delhi	Hqrs.
33.	Anil Kr. Rastogi	Delhi	Hqrs.
34.	M.A.Hafees .	Andhra Pradesh	Andhra Pradesh
35.	G.Panda	Orissa	West Bengal
36.	Har Sahai	Uttar Pradesh	Uttar Pradesh
37.	S.K.Srivastava	Madhya Pradesh	Chattisgarh
38.	C.B.Gandhi	Gujarat	Gujarat
39.	N.C.Purani	Gujarat	ESICM Hospital, Ahmedabad
40.	Kusum Vohra	Hqrs.	Hqrs.
41.	Kanwaljit Singh	Delhi	Delhi
42.	V.L.Joshi	Madhya Pradesh	Madhya Pradesh
43.	Daljit Kaur Mavi	Punjab	Punjab
44.	D.K.Sharma	Rajasthan	Madhya Pradesh

Attested
Lalita
Advocate

45.	Narain Dass	Rajasthan	Rajasthan
46.	Abdul Quodeos	Delhi	Hqrs.
47.	Vilayati Lal	Delhi	Hqrs.
48.	Anil Kumar Khanna	Hqrs.	Mumbai
49.	N.K.Basher	Gujarat	Gujarat
50.	J.K.Parmar	Gujarat	Gujarat
51.	R.K.Sharma	Delhi	Hqrs.
52.	R.S.Rohilla	Haryana	Hqrs.
53.	Mrs. V.K.Pathak	Hqrs.	D(M)D
54.	S.C.Kulshrestha	Uttar Pradesh	Uttar Pradesh
55.	Satpal	Hqrs.	Hqrs.
56.	Harish Chander	Haryana	Haryana
57.	Sunil Kumar	Haryana	Hqrs.
58.	Hoshiar Singh	Haryana	Hqrs.
59.	Kiran Kohli	Delhi	Delhi
60.	Shubhkaran	Punjab	Himachal Pradesh
61.	Tarsem Pal	Haryana	Haryana
62.	K.S.Minhas	Haryana	Pune
63.	Sat Pal Bansal	Haryana	Pune
64.	Neelam Puri	Haryana	Mumbai
65.	S.G.Teher	Andhra Pradesh	Andhra Pradesh
66.	Suresh Pal Singh	Rajasthan	West Bengal
67.	P.N.Sahoo	Orissa	Orissa
68.	G.C.Rout	Orissa	West Bengal
69.	Shiv Shankar Lal Srivastava	Uttar Pradesh	Uttar Pradesh
70.	Upendra Bajaj	Madhya Pradesh	Madhya Pradesh
71.	Baldev Singh	Punjab	ESICM Hospital, Bari Brahma (Jammu)
72.	Smt.L.B.Shah	Gujarat	Gujarat
73.	Smt.A.S.Chaurasia	Gujarat	Gujarat
74.	Ladu Ram Rana	Rajasthan	Rajasthan
75.	P.R.Kudal	Rajasthan	Rajasthan
76.	B.C.Godika	Rajasthan	West Bengal
77.	Mrs. B. Nag	Assam	West Bengal
78.	A.Shyama Prasad	Karnataka	Karnataka
79.	U.Vasantha Kr. Shenoy	Karnataka	Karnataka
80.	Ram Kr. Dwivedi	Uttar Pradesh	Uttar Pradesh
81.	K.Sreenivasan	Kerala	Kerala
82.	M.V.Krishnan	Kerala	Kerala
83.	P.Balakrishnan Nair	Kerala	Kerala
84.	J.P.S.Malik	Haryana	West Bengal
85.	V.Srinivasa	Karnataka	Karnataka
86.	D.B.Bhende	Mumbai	Mumbai
87.	R.A.Pillai	Pune	Pune
88.	A.B.Manivatkar	Nagpur	SRO, Aurangabad
89.	M.P.Gangurde	Mumbai	Mumbai
90.	M.S.Dhaware	Pune	Pune
91.	V.D.Pinjarkar	Nagpur	Mumbai
92.	R.G.Waghmare	Mumbai	Mumbai
93.	N.S.Bodhere	Mumbai	Mumbai
94.	V.P.Nalavede	Pune	Pune
95.	M.P.Chankapure	Nagpur	Mumbai
96.	B.P.Gaigwal	Pune	Pune
97.	Shankar Lal Anjana	Madhya Pradesh	Madhya Pradesh
98.	A.Pondyrajan	Madurai	Tirunelveli
99.	C.N.Chauhan	Gujarat	Gujarat
100.	J.Boro	Assam	West Bengal
101.	S.Venkatarathnam	Andhra Pradesh	Andhra Pradesh
102.	P.S.Verma	Haryana	West Bengal
103.	Rameshwar Das	Punjab	ESICM Hospital, Ludhiana
104.	S.R.Mago	Delhi	Delhi
105.	N.K.Sahu	DMD	DMD
106.	Santosh Malhotra	DMD	Mumbai
107.	Prem Lata	Hqrs.	Mumbai

108.	Rama Dhamija	Hqrs.	Mumbai
109.	M.C.Nag	Assam	West Bengal
110.	Raj Kumari Sabharwal	Delhi	Hqrs.
111.	Praveen Sehgal	Gujarat	Gujarat
112.	A.K. Sagi	Delhi	Pune
113.	Alluri Venu Gopal	Andhra Pradesh	Andhra Pradesh
114.	C.P. Wadhwa	Hqrs.	West Bengal
115.	N.K. Luthra	Hqrs.	West Bengal
116.	Rajiv Kumar Choudhary	Mumbai	Mumbai
117.	Jyoti Prasad	Bihar	Bihar
118.	Meenakshi Nanda	Delhi	Pune
119.	P.M. Khale	Madhya Pradesh	Madhya Pradesh
120.	Vinay Kumar Sharma	Delhi	West Bengal
121.	K.Padmvathy	Tamil Nadu	Salem
122.	Sushil Sachdeva	Delhi	West Bengal
123.	S.S.Dalal	Haryana	Tamil Nadu
124.	P.K. Bhatnagar	Delhi	Delhi
125.	Manish Gupta	D(M)D	West Bengal
126.	K.K. Malhotra	Hqrs.	Hqrs.
127.	P.M. Narayandas	Karnataka	Karnataka
128.	M.G. Parihar	Gujarat	Gujarat
129.	K.N. Jotwani	Gujarat	Gujarat
130.	Kakali Das	Andhra Pradesh	Andhra Pradesh
131.	I.G. Pillai	Gujarat	ESICM Hospital, Ahmedabad
132.	B.C. Mehta	Gujarat	Mumbai
133.	Om Prakash Dhingra	Delhi	West Bengal
134.	Vijay Kumar	Delhi	West Bengal
135.	Pankaj Kumar	Bihar	West Bengal
136.	Savita R. Suresh	Delhi	West Bengal
137.	Rajendra R.Pillai	Nagpur	SRO Aurangabad
138.	Prasun Kumar Sinha	Mumbai	Mumbai
139.	Rohtas Singh	SC	Delhi
140.	Majmudar P.Keshav Lal	SC	Gujarat
141.	Kalidas Sajjan	SC	West Bengal
142.	Girish Kumar Kain	SC	Delhi
143.	Vijay Bokalia	SC	D(M)D
144.	Champak Biswas	SC	West Bengal
145.	Azad Singh	SC	Delhi
146.	Jyoti Parkash	SC	Karnataka
147.	Ajay Kumar Mahan	SC	Delhi
148.	Premdas Jaiswara	SC	Uttar Pradesh
149.	P.K. Krishnan Kutty	SC	Kerala
150.	V. N. Sarojini	SC	Kerala
151.	C. Gopinathan	SC	Kerala
152.	Krishna Das	SC	Jharkhand
153.	S. Palaninathan	SC	Tamil Nadu
154.	Amarjeet Singh	SC	Punjab
155.	S. Dhandapani	SC	Coimbatore
156.	Ram Prasad	SC	Delhi
157.	Mool Chand	SC	Delhi
158.	Jai Prakash	SC	Delhi
159.	Phool Singh Giroh	SC	Delhi
160.	Vikramjit Singh	SC	Delhi
161.	Ran Singh	SC	Delhi
162.	Baldev Singh	SC	Punjab
163.	B. Gnana Kumar	SC	Andhra Pradesh
164.	Hari Krishan	SC	Andhra Pradesh
165.	J. B. Ram	SC	Haryana
166.	Bhola Ram	SC	Jharkhand
167.	Balvant Ram	SC	Haryana
168.	Ram Swaroop Jarwal	SC	Tamil Nadu
169.	S.C. Deka	SC	Mumbai
170.	B.C. Rahi	SC	West Bengal

The promotion of the officers will take effect from the date of their assumption of charge.

The promotion of all the above mentioned officers is ordered purely on temporary and adhoc basis. They may be reverted to their lower post without any notice or assigning any reason therefor. The adhoc promotion shall not confer on them any right to continue in the post or for regular promotion in future. The period of service rendered by them on adhoc basis in the grade/cadre will count neither for seniority in the grade/cadre nor for eligibility for promotion to the next higher grade/cadre. The pay of all these officers on promotion will be fixed in the pay scale of Rs.6,500 – 10,500/- under the normal rules.

The transfers/postings of all these officers have been ordered in public interest and they are entitled to TA/TTA/DA/Joining Time as admissible under the rules, wherever applicable.

The officers posted to regions which are different from their present ones will be relieved from their present posts by their present controlling officers concerned only after they receive communications regarding their places of postings from the Regional Directors/ Directors/ Joint Directors i/c of the Regions/Sub-Regions to which they are posted. The orders indicating the placement of officers who are posted in other Regions/ Sub-Regions shall be issued by the respective Regional Directors/ Directors/ Joint Director i/c within a week from the date of issue of this order.

The Regional Directors may utilize the services of the senior-most officers available in their regions in the cadre of Asst. Directors/ Managers Gr.I as Asst. Directors in the Regional Office as per this Office Order No. 316 of 2005 dated 30.6.2005 in file No. A -22 (13) 1/2004-E I.

The charge reports may be sent to all concerned in due course.

(Hindi version follows)

Chennai
19/6/05
(R. NATARAJAN)
JOINT DIRECTOR E. I

To,

1. The officers concerned.
2. All officers of the Headquarters.
3. All the Regional Directors.
4. All the Directors / Joint Directors i/c of the Sub-Regional Offices.
5. All the Medical Superintendents of ESIC Hospitals and ESIC Model Hospitals.
6. D(M)Delhi/D(M) Noida/Director, ESI Hospital, KK Nagar/Director (FWP), New Delhi
7. The concerned Joint Directors (Fin.) and Dy. Directors (Fin.)
8. The Librarian, Hqrs. Office
9. Official Language Branch, Headquarters for Hindi version.
10. Copy to personal files/ Guard file/ Spare copy.

practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointments/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No *ad hoc* appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) *Revision of Seniority List.*— Another reason for making *ad hoc* arrangements and delaying regular promotions is that, the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases, regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases, it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC, they may be reverted to the posts held by them earlier.

(iv) *Shortage in Direct Recruitment Quota.*— *Ad hoc* appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they join to resign thereafter.

According to the instructions contained in this Department's O.M. No. 24012/34/80-Estt. (B), dated the 20th February, 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question up to the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:

- (a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- (b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment, i.e., not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination

become available), by the alternative methods, i.e., by transfer on deputation, etc.

(c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised *vide* O.M. No. 14017/8/84-Estt. (RR), dated the 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended, the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.

(v) *Filling up of short-term vacancies.*— Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation, etc., of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

✓ 3. *Cases where ad hoc appointments can be made.*— If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an *ad hoc* basis. Such circumstances may be—

- (a) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgment of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (b) Where the DR quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- (c) In short-term vacancies due to regular incumbents being on leave/deputation, etc., and where the posts cannot be filled as per Para. (v) above and cannot also be kept vacant.

✓ 4. *Conditions for making ad hoc appointments.*— In such exceptional circumstances, *ad hoc* appointments may be resorted to subject to the following conditions:

- (i) The total period for which the appointment/promotion may be made on an *ad hoc* basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on *ad hoc* basis may not be permitted. In case there are compulsions for extending any *ad hoc* appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought for at least two months in advance before

SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

the expiry of the one year period. If the approval of the Department of Personnel and Training to the continuance of the *ad hoc* arrangements beyond one year is not received before the expiry of the one year period, the *ad hoc* appointment/promotion shall automatically cease on the expiry of the one year term.

(iv) If the appointment proposed to be made on an *ad hoc* basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.

(v) Where *ad hoc* appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under—

- Ad hoc* promotions may be made only after proper screening by the appointing authority of the records of the officer.
- Only those officers who fulfil the eligibility conditions prescribed in the Recruitment Rules should be considered for *ad hoc* appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
- The claims of Scheduled Castes and Scheduled Tribes in *ad hoc* promotions shall be considered in accordance with the guidelines contained in the Department of Personnel and A.R., Office Memorandum No. 36011/14/83-Estt. (SCT), dated 30-4-1983.

(vi) Where *ad hoc* appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the Employment Exchanges concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age-limit prescribed in the Recruitment Rules. Where the normal procedure for recruitment to a post is through the Employment Exchange only, there is no justification for resorting to *ad hoc* appointment.

(vii) Where the appointing authority is not the Ministry, the Authority competent to approve *ad hoc* appointments may be decided by the Administrative Ministries themselves. The competent authority so authorized by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. *Ad hoc* promotions of officers whose cases are kept in sealed covers.—*Ad hoc* promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt. (A), dated 12-1-1986, will however, continue to be governed by these special instructions (Order 3 below). Similarly, *ad hoc* promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/

CENTRAL GOVERNMENT APPOINTMENTS/PROMOTIONS

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Deputy Secretary under the Central Staffing Scheme, will continue to be governed by special instructions contained in O.M. No. 31/16/82-EQ (MM), dated 28-3-1983.

6. *Review of ad hoc appointments/promotions*.—All *ad hoc* appointments including *ad hoc* promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in Para (4) (v). However, it may be noted that the continuance of such *ad hoc* appointments, including *ad hoc* promotions, will be subject to the overall restrictions of one year from the date of issue of these instructions.

7. All Ministries/Departments are requested to take action in accordance with the above-mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

[G.I., Dept. of Per. & Trg., O.M. No. 28036/8/87-Estt. (D), dated the 30th March, 1982.]

(2) *No Ad hoc appointment by Direct Recruitment*.—The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No. 22011/3/75-Estt. (D), dated 29-10-1975 and the Department of Personnel and Training O.M. No. 28036/8/87-Estt. (D), dated 30-3-1988 (*Order 1 above*), persons appointed on *ad hoc* basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be, at the earliest opportunity. These instructions also provide that whenever an appointment is made on *ad hoc* basis, the fact that the appointment is *ad hoc* and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on *ad hoc* basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

2. Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on *ad hoc* basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of *ad hoc* appointment with consequential benefits like seniority, etc.

3. In this regard, it is stated that issue of regularization of *ad hoc* employees has been considered in several judgments of the Hon'ble Supreme Court. In the case of *R.N. Nanjundappa v T. Thimmaiah and others* (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the Government cannot override rules framed under Article 309 of the Constitution. In the case of *State of Orissa v. Sukanti Mahapatra* (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without anything more, will not meet the requirement of the action being in public interest and what has been

SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

2.7 In Group 'A' and Group 'B' services/posts, if none of the officers included in the DPC as per the composition given in the Recruitment Rules is an SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

2.8 In the case of EB crossing - ***

PART - II
FREQUENCY OF MEETINGS

Frequency at which DPC should meet

3.1 The DPCs should be convened at regular annual intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. For this purpose, it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, Integrity Certificates, Seniority List, etc., for placing before the DPC. DPCs could be convened every year if necessary on a fixed date, e.g., 1st April or May. The Ministries/Departments should lay down a time-schedule for holding DPCs under their control and after laying down such a schedule the same should be monitored by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. Holding of DPC meetings need not be delayed or postponed on the ground that Recruitment Rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the Recruitment Rules in force on the date of vacancy, unless rules made subsequently have been expressly given retrospective effect. Since amendments to Recruitment Rules normally have only prospective application, the existing vacancies should be filled as per the Recruitment Rules in force.

[Very often, action for holding DPC meeting is initiated after a vacancy has arisen. This results in undue delay in the filling up of the vacancy causing dissatisfaction among those who are eligible for promotion. It may be ensured that regular meetings of DPC are held every year for each category of posts so that an approved select panel is available in advance for making promotions against vacancies arising over a year.]

3.2 The requirement of convening annual meetings of the DPC should be suspended with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion of no officers are due for confirmation during the year in question.

[See O.M. dated 5-9-1998 at the end of this section for Model Calendar.]

GL Dept. of Per. & Trg. O.M. No. 2201/3/98-Est. (D), dated the 13th May, 1991

Annexure VI

PROMOTIONS
PART - III
PREPARATORY ACTION

Determination of regular vacancies

4.1 It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a postgrade/service due to death, retirement, resignation, regular long term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputees likely to return to the cadre and who have to be provided for. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training, etc., should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPC's for a year or more, vacancies should be indicated yearwise separately.

1] Calculation of vacancies

It has been decided that for preparation of a select panel, Ministries/Departments may calculate the vacancies for reporting to DPC on financial yearwise where ACRs are written financial yearwise and calendar yearwise where ACRs are written on calendar yearwise.]

2] Crucial date for determining eligibility

The eligibility dates for determining the eligibility of officers for promotion would be the first day of the crucial year, i.e., January, 1 irrespective of whether ACRs are written financial yearwise or calendar yearwise.

The crucial dates indicated above would be applicable to only such services and posts for which statutory Service Rules do not prescribe a crucial date. i

In reiteration of the aforesaid provision (Para. 4.1) of the DPC guidelines, dated 10-4-1989, it is hereby clarified that such vacancies arising in a particular vacancy year, as noted in the aforesaid Para. 4.1, would be considered together by the DPC. These vacancies should also include newly-created posts in the same vacancy year. Hence, the DPC for a particular vacancy year held subsequent to the creation of such new posts in the same vacancy year would be required to take into consideration such newly-created posts also along with other already existing/anticipated vacancies arising in the same vacancy year. As a sequel to it, the zone of consideration would also

1. G.I. Dept. of Per. & Trg. O.M. No. 2201/3/98-Est. (D), dated the 17th October, 1995
2. G.I. Dept. of Per. & Trg. O.M. No. 2201/3/98-Est. (D), dated the 17th September, 1995

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To
The Director General
E.S.I.Corporation
Panchdeep Bhawan
New Delhi-110002

Through Regional Director, E.S.I.C, Guwahati

Sub:- Promotion to the post of Assistant Director/Manager Gr.I/Section Officer
In the pay scale of RS.6,500/- 10,500/- on ad hoc basis.

Sir,

With reference to Hqrs. Office, ESI Corporation, New Delhi office order no. 508 of 2005 vide no A.33/12/1/97-Estt. Vol. II dated 19.10.05 on the above subject. I have to submit my representation as under for your kind reconsideration.

- 1) That Sir, I am willing to accept the promotion to the post of Assistant Director/ Mgr. Gr.I/Section Officer provided it is offered to me on regular basis.
- 2) That Sir, a regular post of Assistant Director is still lying vacant in the N.E. Region, Guwahati for which I am eligible to be accommodated. But unfortunately being a senior I.I. I have not been considered for that place of posting for the reasons best known to the authority.
- 3) That Sir, my junior has been accommodated as ad hoc Assistant Director in N.E. Region, Guwahati depriving me for regular promotion which is not only violation of principle of natural justice but also a clear discrimination in selecting the place of posting.
- 4) That Sir, my present pay structure is RS.6,500 - 10,500/- obtained by virtue of ACP and your above noted promotion does not confer on me any right to continue in the post or for regular promotion in future. Further, the period of service, rendered by me on ad hoc basis in the grade will neither count for seniority nor for eligibility for promotion to the next higher cadre.

It indicates that my service is sought to be utilized in other region with higher responsibility without conferring any right and benefits which is not tenable in law. Thus, the term ad hoc promotion without any benefit has no meaning in my case.

5. That Sir, I have not been considered for DPC for regular promotion due to the reason best known to the Authority.

Under the above circumstances I would like to request you kindly to look into my case and accommodate me as Assistant Director, N.E.Region Guwahati.

Attested
Dulal
Advocate

Yours faithfully,

Jugal Baruah
(JUGAL BARUAH) 3/01/2006
SUPERINTENDENT
R.O., E.S.I.C., GHY.-21



REGIONAL OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
"PANCHDEEP BHAWAN"
3/1 GRANT LANE, KOLKATA-12

No. 41.A.20/11/14/2003 Estt-I

Dated, the 14th October 2005

OFFICE ORDER NO. 80 OF 2005

In pursuance of Hqrs. Office Order No. 296 of 2005 issued under communication No. A-22(13)1/2004 E-I dated 27.6.2005, the Addl. Commissioner & Regional Director has ordered that Sri P. Sutradhar, Manager Gr. I (Ad-hoc), Rishra B.O., West Bengal Region shall be relieved from this region on the afternoon of 14.10.2005 on his transfer to the Office of the OSD, (North-East).

The transfer & posting of Sri Sutradhar has been ordered at his own request and he is not entitled to TA and joining time.

Charge report may be sent to all concerned in due course.

Hindi version will follow.

Arun Pandey

(ARUN PANDEY)
DY. DIRECTOR (ADMN)

To

Sri P. Sutradhar, Manager Gr. I
Rishra B.O.

Copy to:

1. Director General, E.S.I. Corporation, C.I.G. Road, New Delhi.
2. Financial Commissioner, E.S.I. Corporation, C.I.G. Road, New Delhi.
- Regional Director, E.S.I. Corporation, Office of the OSD, (North-East), with the information that Sri Sutradhar has availed himself of 8 days' C.L. & 1 day's R.H. during the calendar year-2005.
3. Joint Director (Fin.), E.S.I. Corporation, Orissa Region.
4. Director (Vigilance), EZ, Kolkata.
5. All Joint Directors, R.O., Kolkata/Joint Director (I/C), SRO, Bkp./S.S.M.C. (EZ), Kolkata.
6. Medical Superintendent, ESI Hospital & ODC, Joka.
7. All Br. Officers, R.O., Kolkata/SRO, Bkp.
8. All Branches, R.O., Kolkata/ SRO, Bkp./P.A. to A.C. & R.D.
9. All Br. Offices/ M.R. Offices.
10. Guard file.
11. Office of the OSD, (North-East).
12. File No. 41.A.33/14/2005-E.I

*Deputed
T. S. Miller
Advocate*

CELL

935
18/11/06

HEADQUARTERS
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAVAN: C.I.G. ROAD:NEW DELHI-110002.
<http://esic.nic.in>

No. A-33(13)1/2003-E.I

Dated: 15.12.2006

OFFICE ORDER NO. 137 OF 2006

The Director General is pleased to order the promotion of the following officers in the cadre of Insurance Inspectors/ Branch Managers Gr.II / Superintendents (In the pay scale of Rs. 5500 - 175 - 9000) to the cadre of Assistant Directors / Branch Managers Gr.I / Section Officers (in the pay scale of Rs. 6500-200-10500) on regular basis on the recommendations of the Departmental Promotion Committee / Union Public Service Commission and post them to the regions shown against each:-

Sl. No.	Name of Officer S/Sh./Ms	Present Region of posting	Region to which posted now on promotion
1	2	3	4
1.	VM Kalia	Jammu & Kashmir	Jammu & Kashmir
2.	Dinesh Sethi	Haryana	Haryana
3.	V.R. Nagaraj	Karnataka	Karnataka
4.	S.T. Krishnaram	Maharashtra	Maharashtra
5.	S. Krishnamurthy	Andhra Pradesh	Andhra Pradesh
6.	Haridas Menon	Kerala	Kerala
7.	Ashok Kumar Parida	Karnataka	Karnataka
8.	W. Suresh Manuel	Coimbatore Sub-Region	Coimbatore Sub-Region
9.	S. Kumar	Tamilnadu	Tamilnadu
10.	V Sreedharan	Kerala	Kerala
11.	Subhash Kumar Sinha	Bihar	Bihar
12.	Promila Suresh Roy	Pune Sub-Region	Pune Sub-Region
13.	DN Das	SC ESIC Model Hospital, Beltola	ESIC Model Hospital, Beltola
14.	RN Bahera	SC Orissa	Orissa
15.	Muralidharan Nair KP	Hubli Sub-Region	Hubli Sub-Region
16.	Nizamuddin	Andhra Pradesh	Andhra Pradesh
17.	K. Venkataramana	Vijayawada Sub-Region	Vijayawada Sub-Region
18.	B Umakanth	Vijayawada Sub-Region	Vijayawada Sub-Region
19.	Mohd. Saiful Samad	West Bengal	West Bengal
20.	Sushil Kumar Srivastava	Uttar Pradesh	Uttar Pradesh
21.	Ashok Kumar	Hqrs.	Hqrs.
22.	K Ramajogalal	Andhra Pradesh	Andhra Pradesh
23.	M Ganesan	Tamilnadu	Tamilnadu
24.	Lajpat Rai Sharma	Hqrs.	Hqrs.
25.	PK Sudeshan	Kerala	Kerala
26.	Anil Kumar Srivastava	D(M)D, Delhi	D(M)D, Delhi
27.	GV Rao	Vijayawada Sub-Region	Vijayawada Sub-Region
28.	MM Bhauskute	Pune Sub-Region	Pune Sub-Region
29.	Damodar Prashad	D(M)D, Delhi	D(M)D, Delhi
30.	RN Kumar	Delhi	Delhi
31.	Kumud Maju Janardhan Rao (K.J. Rao)	Andhra Pradesh	Andhra Pradesh
32.	Chandrasekhran KK	Kerala	Kerala
33.	Patted Babasaonappa Dyanappa (B.D. Patted)	Hubli Sub-Region	Hubli Sub-Region
34.	PG Narvankar	Maharashtra	Maharashtra

Official
Order
Received

35.	Bhagwan Singh		West Bengal	West Bengal
36.	Rehan Gani		Madhya Pradesh	Madhya Pradesh
37.	AM Ramanathan		Karnataka	Karnataka
38.	G. K. Bandyopadhyay		West Bengal	West Bengal
39.	Karan Singh	SC	Haryana	Haryana
40.	BK Sinha		Bihar	Bihar
41.	SU Sule		Maharashtra	Maharashtra
42.	R Nageswaran,		Tamilnadu	Vijayawada Sub-Region
43.	R Banumathi		Coimbatore Sub-Region	Coimbatore Sub-Region
44.	D Yogananda Rao		Puducherry	Puducherry
45.	K Prakasham,		Andhra Pradesh	Andhra Pradesh
46.	GS Murthy		Andhra Pradesh	Andhra Pradesh
47.	K Vijayan		Kerala	Kerala
48.	Kamalakar Kelkar		Pune Sub-Region	Pune Sub-Region
49.	Ganga Bishan Gupta		Delhi	Delhi
50.	PK Kundu		West Bengal	West Bengal
51.	Jugal Barua,		Assam	West Bengal
52.	A Jothi Pandian		Vijayawada Sub-Region	Vijayawada Sub-Region
53.	U Rajenderan		Coimbatore Sub-Region	Coimbatore Sub-Region
54.	Bachna Ram	SC	Punjab	Punjab
55.	MK Jahn		Rajasthan	Rajasthan
56.	R Kaslnathan	SC	Karnataka	Karnataka
57.	C H Admane		Nagpur Sub-Region	Nagpur Sub-Region
58.	PV Santha Kumar		Tamilnadu	Tamilnadu
59.	CM Malhotra		West Bengal	West Bengal
60.	V Madhavi RV Ramanl		Pune Sub-Region	Pune Sub-Region
61.	SK Pai		West Bengal	West Bengal
62.	JK Sabnis		Maharashtra	Maharashtra
63.	VP Sinha		Bihar	Bihar
64.	TK Sharma		Surat Sub-Region	Surat Sub-Region
65.	Om Prakash		Haryana	Haryana
66.	K Raghurama V Shetty		Maharashtra	Maharashtra
67.	VS Katre		Pune Sub-Region	Pune Sub-Region
68.	Mangal Bhattacharjee		West Bengal	West Bengal
69.	TR Pandey		Delhi	Delhi
70.	Rakesh Kumar Gupta		Uttar Pradesh	Uttar Pradesh
71.	RN Mohrana		West Bengal	West Bengal
72.	Jagannathan R		Karnataka	Karnataka
73.	Ajay Kumar		Delhi	Delhi
74.	PG Sreedhara Gopal,		Madurai Sub-Region	Madurai Sub-Region
75.	Prakash Chand		Delhi	Delhi
76.	KK Kureel	SC	Noida Sub-Region	Noida Sub-Region
77.	VK Roda		Hqrs.	Hqrs.
78.	J Kumaraswami		Vijayawada Sub-Region	Vijayawada Sub-Region
79.	VK Taneja		D(M)D, Delhi	D(M)D, Delhi
80.	M. Kalaiyanan	SC	Karnataka	Karnataka
81.	RK Chakraborty		West Bengal	West Bengal
82.	RN Brahme	SC	Maharashtra	Maharashtra
83.	Prakash Chand	SC	Haryana	Haryana
84.	P Anandarao	SC	Andhra Pradesh	Andhra Pradesh
85.	K Madhava Rao		Andhra Pradesh	Andhra Pradesh
86.	D. Vijay Kumar		Andhra Pradesh	Andhra Pradesh
87.	A.B. Sastry		Andhra Pradesh	Andhra Pradesh
88.	Prem Chand	S.C.	Punjab	Punjab
89.	S.S.Srivastava		Uttar Pradesh	Uttar Pradesh
90.	Parveen Moudgil		Haryana	Haryana
91.	Ramesh Kumar Chotla		Maharashtra	Maharashtra

92.	K.N.Vikraman		Kerala	Kerala
93.	Anand Kumar		Haryana	Haryana
94.	Sharda Manjunath		Andhra Pradesh	Andhra Pradesh
95.	Pankaj Kumar		Hqrs.	Hqrs.
96.	T.E.Venkatesan		Tamilnadu	Tamilnadu
97.	R.Velu		Tamilnadu	Tamilnadu
98.	Ravish Chandra Mandloi		ESIC Model Hospital, Nagda	ESIC Model Hospital, Nagda
99.	C.N.Raji		Coimbatore Sub-Region	Coimbatore Sub-Region
100.	M.Rajendran	SC	Madurai Sub-Region	Madurai Sub-Region
101.	Vasudev Parwani		ESIC Hospital, Nagda	Rajasthan
102.	Rajinder Prasad Sharma		Madhya Pradesh	Madhya Pradesh
103.	Boben Rapheal		Kerala	Kerala
104.	K.Santhalakshmi		Tamilnadu	Tamilnadu
105.	K.N.Radhakrishnan		Kerala	Kerala
106.	S.Pysane Gnanaraj		Tirunelveli Sub-Region	Tirunelveli Sub-Region
107.	S.Thaulath Khan		Pudhucherry	Pudhucherry
108.	K.Sasidharan		Kerala	Kerala
109.	K.G.Venugopal		Kerala	Kerala
110.	J.Karunanidhi		Vijayawada Sub-Region	Vijayawada Sub-Region
111.	J.Shiva Shankar	SC	Andhra Pradesh	Andhra Pradesh
112.	G.Kuruppan		Kerala	Kerala
113.	Praveen Kumar		NTA, Delhi	NTA, Delhi
114.	Bandaru Subba Rao		Maharashtra	Maharashtra
115.	S.Ganesan		Madurai Sub-Region	Madurai Sub-Region
116.	J.Verghese		Kerala	Kerala
117.	Tessy Franco		Kerala	Kerala
118.	Debabrata Pramanik		West Bengal	West Bengal
119.	P.R.Valshampayan		Maharashtra	Maharashtra
120.	Baldev Raj	SC	Uttar Pradesh	Uttar Pradesh
121.	Yashwant Rai	SC	Punjab	Punjab
122.	Ravinder Singh	SC	Uttar Pradesh	Uttar Pradesh
123.	G.Vasantha Kumari	SC	Madurai Sub-Region	Madurai Sub-Region
124.	Ram Sudhar Ram	SC	Uttar Pradesh	Uttar Pradesh
125.	G.Selvakumar	SC	Tamilnadu	Tamilnadu
126.	P.Sutradhar	SC	Assam	Assam
127.	Subodh Kr. Sasmal	SC	West Bengal	West Bengal
128.	E.D.Ravindran	SC	Kerala	Kerala
129.	Sindoo Ram	SC	Jammu & Kashmir	Jammu & Kashmir
130.	A.K.Nim	SC	Hqrs.	Hqrs.
131.	Bihari Ram	SC	Gujarat	Gujarat
132.	P.Kamaraj	SC	Tamilnadu	Tamilnadu
133.	M.Koodalingam	SC	Kerala	Kerala
134.	Anal Kumar Pal	SC	Jharkhand	Jharkhand
135.	M.Dorai		Goa	Goa
136.	Chander Singh	SC	Haryana	Haryana
137.	Mohinder Singh	SC	Hqrs.	Hqrs.
138.	B.C.Boro	ST	West Bengal	West Bengal
139.	N.N.Singh	ST	Uttar Pradesh	Uttar Pradesh
140.	Babu Lal	ST	Vijayawada Sub-Region	Vijayawada Sub-Region
141.	R.B.Rai	ST	Hqrs.	Hqrs.
142.	P.K.Gupta		Gujarat	Gujarat
143.	M.Laxminarayana	S.C.	Andhra Pradesh	Andhra Pradesh
144.	Gurbachan Dass	S.C.	Haryana	Haryana
145.	B.Balakrishnan	S.C.	Andhra Pradesh	Andhra Pradesh
146.	D.S.Poonya	S.C.	Maharashtra	Maharashtra
147.	Ramulu	S.C.	Andhra Pradesh	Andhra Pradesh

148.	Nathu Ram S/o Sardar Singh	S.C.	Haryana	Haryana
149.	Madan Lal Singh	S.T.	Rajasthan	Rajasthan
150.	M.Siddarama	S.T.	Karnataka	Karnataka
151.	D. S. Bhandari,	—	Maharashtra	Maharashtra
152.	Kanwal Nain	—	Punjab	Punjab
153.	Bhagirathi Nayak,	S.T.	Orissa	Orissa
154.	R. Ramesh	S.T.	Karnataka	Karnataka
155.	Arjun Chatter	S.T.	Baroda Sub-Region	Baroda Sub-Region
156.	S.C. Mondal	S.C.	West Bengal	West Bengal
157.	G.Chandrasekhar	SC	Karnataka	Karnataka
158.	T.Santhamma	SC	Karnataka	Karnataka
159.	D.Sugumaran	SC	Karnataka	Karnataka
160.	Rajbir Singh	SC	Hqrs.	Hqrs.
161.	Ram Swaroop Kunhariya	SC	Madhya Pradesh	Madhya Pradesh
162.	N.Janu Nalk	ST	Pune Sub-Region	Pune Sub-Region
163.	P.Venkatachalam	ST	Tamilnadu	Tamilnadu
164.	Chherring Negi	ST	Himachal Pradesh	Himachal Pradesh
165.	J.Padmavathy	ST	Vijayawada Sub-Region	Vijayawada Sub-Region
166.	T.R.Narasing Rao	ST	Andhra Pradesh	Andhra Pradesh
167.	V.K.Narayanan	ST	Kerala	Kerala
168.	Nalini	SC	Hqrs.	Hqrs.
169.	Kanhaiya Lal	SC	Delhi	Delhi
170.	Chander Sen	SC	D(M)D, Delhi	D(M)D, Delhi
171.	K.Devra	SC	Karnataka	Karnataka
172.	Har Sahal	S.C.	Uttar Pradesh	Uttar Pradesh
173.	P.K.Pappu	S.C.	Kerala	Kerala
174.	N.Loganathan	ST	Kerala	Kerala
175.	J.Boro	ST	West Bengal	West Bengal
176.	R.Raju	ST	Karnataka	Karnataka
177.	N.M.Ramalah,	ST	Karnataka	Karnataka
178.	Jal Narain Meena	ST	ESIC Model Hospital, Jaipur	ESIC Model Hospital, Jaipur
179.	Kikumba Longchar	ST	West Bengal	West Bengal
180.	Harsharan Meena	ST	Delhi	Delhi
181.	Ramesh M. Mugdur	ST	Karnataka	Karnataka
182.	Ramesh Chander-II	SC	Hqrs.	Hqrs.
183.	Rohtas Singh	SC	West Bengal	West Bengal
184.	Saheb Ram Singh	SC	Hqrs.	Hqrs.
185.	Anita Sonkar,	SC	Uttar Pradesh	Uttar Pradesh

*Shew
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The promotees who are already officiating as Assistant Directors / Branch Managers Gr.I / Section Officers in the pay scale of Rs. 6500-200-10500 on 8.11.2006, the date of communication of the UPSC, will be deemed to have been promoted on regular basis with effect from 8.11.2006.

In respect of others who are still working in the cadre of Insurance Inspectors/ Managers Gr.II/ Superintendents, they are to be relieved as per this order to assume charge of their promoted post and their promotion, will take effect from the date on which they assume charge as Assistant Directors/ Branch Managers Gr. I / Section Officers on the basis of this order. The controlling authorities will ensure that the procedure regarding vigilance clearance with reference to para 17.9 of the DOPT O.M. No. 22011/5/91 Estt(D) dated 27.3.1997 is followed before the relief of such officials from the cadre of Insurance Inspectors/Branch Managers Gr.II/ Superintendents.

The pay on promotion will be fixed as per rules in the scale of Rs.6500 -200-10500 as per the provisions of FR 22(1) (a) (1) in respect of all the promotees. The promotees shall exercise their option for fixation within one month from the date of their promotion as per the saving clause under FR 22(1) (a)(1).

All the promotees will be on probation for a period of two years from the date of their regular promotion in terms of Reg. 5 of the ESIC (Staff & Conditions of Service) Regulations, 1959.

The promotion and posting of all these officers are ordered in public interest and they are entitled to TA, TTA, DA and Joining Time as per rules, wherever admissible. In the case of promotees who are transferred from their present regions and posted to other regions, their present controlling authorities will relieve them, immediately, with the direction to report to the concerned Regional Director/ Director / Joint Director i/c / Medical Superintendent / Director (Medical) Delhi as the case may be. However, the promotees will claim their Transfer T.A. and Joining Time only with reference to their ultimate place of posting in the region to which they are posted on promotion.

The Regional Directors/ Heads of offices are requested to intimate this office the exact dates on which the promotees (including those who are already officiating) assumed charge of the promoted post on regular basis. This information is essential for maintenance of rosters in this office and for other allied official purposes.

The places of postings in respect of the promotees who are posted in the same regions in which they are working at present will be changed in the month of April 2007, in terms of the Transfer Policy.

Hindi version follows.

(R. NATARAJAN)
JOINT DIRECTOR-E.I

To

1. The persons concerned through their controlling officers.
2. All the officers of the Hqrs.
3. All the Regional Directors / Director
4. All the Joint Directors I/c of the SROs / Joint Director-V Hqrs. Office
5. D(M)Delhi/ D(M) Nolda/ Director ESI Hospital K.K. Nagar/ Director (Family Welfare)
6. All the Medical Superintendents of ESIC Hospitals and ESIC Model Hospitals
7. The concerned Joint Directors (Fin.) and Deputy Directors (Fin.)
8. The Librarian, Hqrs. Office.
9. The Official Language Division, Hqrs. Office for Hindi version.
10. Copy for personal file(s)/Guard file/spare copy.

*Attested
Abdul
Advocate*

NOTICE

180

From

U. Dutta

Advocate

To

Smt. Usha Das

Addl. C.G.S.C

Madam,

Please find herewith a copy of the amended original application in O.A NO. 32/06 for your kind and necessary action. Kindly acknowledge the receipt of the same.

Thanking you

Dutta

(U. Dutta)

Received

(U. Das)

I undertake to serve a copy to Smt. U. Das, Addl C.G.S.C.

Dutta
06/09/01

11 OCT 2007

गुवाहाटी न्यायपाल
Guwahati Bench

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO. 32 /200 6

.....Tinal Banerjee.....APPLICANT (S)
-VS-

.....Union of India & Ors.....RESPONDENT (S)

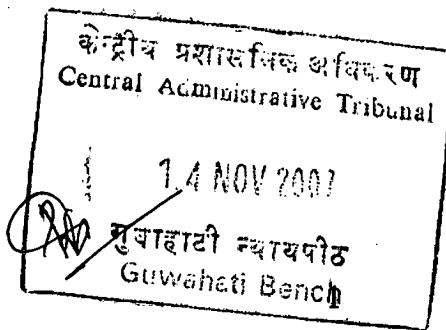
MEMO OF APPEARANCE

I, USHA DAS having been authorized by Employees State Insurance Corporation notified under Section 14 of the Administrative Tribunal Act, 1985, hereby appear for respondents No. 1 to and undertake to plead and act for them in all matters in the aforesaid case.

Place: Guwahati
Date: 08/10/07

Usha Das
Signature and Designation of the Counsel
Addl. Cus. C

Address:
Usha Das
Additional Central Govt. Standing Counsel
Birubari, Gopinath Nagar
Guwahati- 16
98640-80663(M)
0361-2472699(R)



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO. 32/2006

SHRI JUGAL BARUAH

.....APPLICANT

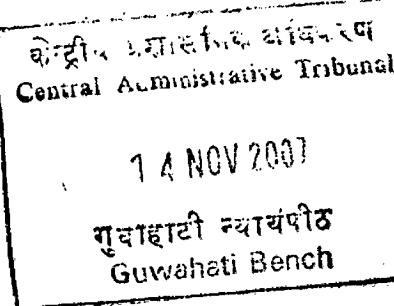
-VERSUS-

UNION OF INDIA & OTHERS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received a copy of OA, have gone through the same and understood the contentions made thereof. Save and except the statements, which are, specifically admitted herein below rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 4.1 of the OA, the respondents have nothing to comment. The applicant joined ESI Corporation as Lower Division Clerk on 1.2.1979 and he had been in Assam all through his career spanning into 27 years except for a period of three years from 15.5.1990 to 16.8.1993 when he was working in West Bengal in the cadre of Insurance Inspector.
- 3) That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to state that the post in which the applicant is working carries all- India transfer liability.



1873
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4) That with regard to the statement made in paragraph 4.3 of the OA, the respondents beg to state that an employee who has completed three years of regular service in the cadre of Insurance Inspector is eligible only for consideration by the DPC for promotion to the next higher cadre of Asstt. Directors subject to availability of vacancies and is being found fit by the DPC. An employee does not fall within the zone of consideration immediately on completion of three years of service in the feeder cadre. The zone of consideration depends upon the number of vacancies in the higher cadre and the number of eligible persons in the feeder cadre.

5) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that the sanctioned strength in the feeder cadre of Insurance Inspectors was 1873. The sanctioned strength in the higher cadre of Assistant Directors was 159. The employees in the feeder cadre did not have adequate promotional avenues because the sanctioned strength in the higher cadre was very less. Later, 213 posts in the feeder cadre were upgraded and the sanctioned strength in the higher care was increased to 372. The applicant is already drawing pay in the higher scale as per the Assured Career Progress scheme.

6) That with regard to the statement made in paragraph 4.5 of the OA the respondents deny the contentions made therein and beg to state that 213 posts were created only in June, 2003 i.e. in the year 2003-04.

7) That with regard to the statement made in paragraph 4.6 of the OA, the respondents deny the contentions made therein. The order dated 26.9.2003 promoting 220 persons from the cadre of Insurance Inspectors to the cadre of

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Guwahati Bench

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At. Comm. Curr. Regional Director
ESIC CORPORATION, Guwahati
Brahmaputra, Guwahati

Assistant Directors were issued consequent to the up gradation of 213 posts in the month of June, 2003. The concessions imposed regarding seniority in the order-dated 26.9.2003 were as per the DOPT, OM No. 31/6/90-EO (MM) dated 25.1.1990. The post of Assistant Directors carries all- India transfer liability and it is essential to post the promotees throughout India depending upon the availability of vacancies. The applicant was also given adhoc promotion on 26.9.2003. He cannot have any grievance about the promotion of Shri P. Sutradhar. Shri P. Sutradhar had accepted the promotion and joined duty in West Bengal. The averments of the applicant that the Corporation is not holding the DPC are denied. The proposal for regular promotion for regular promotion for officials against the 261 vacancies is pending with the UPSC. The DPC meeting was scheduled to be held by the UPSC in September 2006 as could be seen from the UPSC letter No. F-1/39/1/2005-AP-2 dated 27.6.2006. Adhoc promotions are ordered only in administrative interest and the details in this regard have already been furnished in the Written statement filed in OA No. 5/2006 before the Hon'ble Tribunal.

A copy of the OM dated 25.1.1990 is annexed herewith and marked as Annexure-M1.

8) That with regard to the statement made in paragraph 4.7 of the OA, the respondents deny the contentions made therein. The applicant had declined the promotion ordered on 26.9.2003 only for domestic reasons. The reasons invented by him and narrated in Para 4.7 are only an afterthought. The Applicant in OA No. 5/2006 had already raised the issues and Written Statement has already submitted by the respondents in the same case. The vacancies have arisen because of up gradation of 213 posts in the year 2003-04 and the UPSC is already in process of holding DPC. The applicant is far

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Guwahati Bench

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Anil. Comm. Com Regional Director
ESI CORPORATION
Bamuniraben, Guwahati

junior in the feeder ^{cadre} and he could get promotion only because of the creation of 213 posts in June 2003. The facts in this regard have already been furnished in the Written Statement in OA No. 5/2006.

9) That with regard to the statement made in paragraph 4.8 of the OA the respondents beg to state that the order dated 19.10.2005 promoting 170 officers were issued because of the retirement of large number of officers in the cadres and because of the vacancies which had arisen due to cadre restructuring in Group 'A'. The applicant does not even have the basic idea of the Appointment Committee of Cabinet. These instructions are not relevant to the promotion to the cadre of Assistant Directors, which is a Group 'B' Post. Only the posts in the Central Govt., which are higher than those in the scale of Rs. 14300-18300, require the approval of the Appointment Committee of the cabinet.

10) That with regard to the statement made in paragraphs 4.9 and 4.10 of the OA the respondent deny the contentions made there in and beg to rely and refer upon the statement made ⁱⁿ foregoing paragraphs.

11) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to state that the facts are matter of records. The DPC meeting was scheduled to be held by UPSC in September 2006 as could be seen from the UPSC letter No.F-1/39/1/2005-AP-2 dated 27.6.2006.

A copy of the UPSC Letter dated 27.6.2006 is annexed herewith and marked as Annexure- M2.

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Guwahati Bench

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Guwahati Court Registry Unit
Bamuni Handi

12) That with regard to the statement made in paragraph 4.12 of the OA the respondents beg to state that the name of the applicant is being considered by the DPC at the earliest opportunity with reference to his seniority in the feeder cadre consisted of 1873 Insurance Inspectors while the promoted cadre of Assistant Directors consisted of only 159 posts up to the year 2003. After the up gradation in June 2003, the feeder cadre consisted of 1660 posts while the promotional cadre consisted of 372 posts. The name of the applicant could not be considered by the earlier DPCs as he was not senior enough with reference to the ^{meagre} vacancies, which were available at that time. As the promotion pyramid was not objective resulting in lot of stagnation in the cadre of Insurance Inspectors, restructuring had been done and 213 posts were upgraded in June 2003. The applicant was not willing to avail himself of the chance of promotion only for domestic reasons as mentioned by him in his application-dated 8.10.2003. The facts have already explained against Para 4.8 of the OA.

13) That with regard to the statement made in paragraph 4.13 of the OA, the respondents while denying the contentions made therein beg to state that the applicant is far junior in the feeder cadre. He could get the promotion only because of the creation of 213 posts in June 2003. Those facts in this regard have already been furnished in the counter affidavit filed in OA No. 5/2006.

14) That with regard to the statement made in paragraph 4.14 of the OA, the respondents deny all the contentions made therein. The applicant had failed to avail himself of the promotion in 2003 and 2005 citing personal reasons. The reasons cited by the applicant are only afterthought.

✓ 15) That with regard to the statement made in paragraph 4.14 A of the OA, the answering respondents has got nothing to comment.

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गुवाहाटी बायपरी
Guwahati Bench

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16) That with regard to the statement made in paragraph 4.14 B of the OA, the answering respondents deny the contentions made therein. The applicant is under the mistaken belief and entertains imaginary grievances. The application had to be examined together with OA No. 5/2006. The UPSC has authorized the counsel of ESIC Corporation to represent the UPSC and has advised the Corporation to pray to before the Hon'ble Tribunal for dismissal of the O.A. with costs. A copy of the UPSC letter No. F.9/39/2006-AP-2 dated 12.7.2006 is enclosed. The proposal to UPSC had been sent on 29.1.2005 itself much before the applicant had chosen to file cases before the Hon'ble Central Administrative Tribunal.

A copy of the letter dated 12.7.2006 is annexed herewith and marked as Annexure-M3.

17) That with regard to the statement made in paragraph 4.15 of the OA, the respondents beg to submit that the applicant is under the mistaken belief and entertains imaginary grievances. The UPSC has authorized the Counsel of ESI Corporation to represent the UPSC and has advised the Corporation to pray to the Tribunal for dismissal of the OA with costs.

5.1 b
18) That with regard to the statement made in paragraph 4.16 of the OA, the respondents beg to submit that the sudden creation/up gradation of 213 posts in June 2003 necessitated finalization of seniority in respect of more than 5000 Insurance Inspectors. The issue of seniority of Insurance Inspector had been pending for a long time because of the principles of fixing the same between the promotees and direct recruits. There had also been court cases in

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Guwahati Bench

this regard. Ultimately, taking into account the effect of the decision on the seniority list in respect of the other cadres also, the seniority list of Insurance Inspector circulated on 31.5.1981 had been finalized only on 7.10.2003 and the list circulated on 20.8.1086 and 22.9.2000 were finalized on 3.3.2004. Thereafter, additional seniority list had been prepared in respect of the Insurance Inspectors appointed and promoted during the period from 1.4.1997 to 31.12.1998, circulated on 23.6.2004 and finalized on 21.9.2004 after calling for objections, if any. There had therefore been no avoidable delay on the part of the Administration. The letters dated 7.10.2003; 3.8.2004 and 21.9.2004 are enclosed in this regard.

All these documents already filed in OA No. 5/2006 and OA No. 31/2006 would prove how hard the Administration had been trying to run the Organization by surmounting the problems posed by various sections of the employees. The Applicant himself got convinced that he had no case to prove against the Administration. That is why he has attempted to withdraw the case No. 5/2006. As all the issues taken by him in this case are already dealt with in the OA No. 5/2006 and OA No. 32/2006.

The DPC has, indeed, prepared year-wise panel. But, there is no provision for granting promotion with retrospective effect. The official had given promotion on ad hoc bases on 26.9.2003 but he had declined it stating that

- A. His elder son was doing B. Sc Part-I
- B. His younger son was doing X slandered
- C. His mother was 87 years old and is ailing and
- D. He himself was suffering from spondilitis

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Guwahati Bench

Again, when he was promoted on 19.10.2005, represented on 26.10.2005
declining promotion that

- A. His son was doing XII Standard
- B. His mother was 86 years old and that
- C. His wife was physically unsound.

Now, in para 5.3 of the affidavit the applicant says that he must be posted in Guwahati as his two sons are prosecuting their higher studies in the local college on Guwahati. It would be clear from the above that the applicant is a habitual shirker of responsibility. He is always citing domestic reasons to avoid the responsibility of working outside his present region even on promotion.

All the promotees are given the benefit of regular promotion only with prospective effect. Had the applicant complied with the order dated 26.9.2003 or 19.10.2005 promoting him as Assistant Director on adhoc basis, he would also have been able to get the benefit of regularization ~~on 8.11.2006, the date of pay and allowances without actually discharging the duty of the said post.~~

The grievance of the applicant that he would become junior to his juniors who were already officiating as on 8.11.2006 is not correct. The seniority would be only on the order in which the names of the promotees have been shown in the Head quarters Office Order dated 15.12.2006. The applicant would lose his seniority only if he does not join the promoted post for any reason.

Moreover, since the applicant has accepted the promotion and he has filed Original Application 312/06 challenging the place of posting, not promotion, he is debarred from claiming the promotion from a prior date.

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Guwahati Bench

Mr. Com. Jr. Regional Director
LSI CORPORATION
Daulatnagar, Guwahati-21
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The judgments relied on by the applicant in this paragraph are not at all applicable in the present case. Before applying a ration laid down by the Hon'ble Supreme Court, the facts considered at the time of passing of the judgment is relevant.

The respondents crave leave of this Hon'ble Tribunal to rely and refer upon the judgments passed by the Hon'ble Supreme Court in various cases at the time of hearing of the case.

19) That with regard to the statements made in paragraphs 8.1 to 8.16 of the respondents while denying the contentions made therein beg to submit that the has actually prepared year-wise panel. There is no provision for promotion with retrospective effect. The applicant had not complied with the order of promotion twice, once in 2003 and again in 2005. If the applicant had joined duty in the promoted post at that time he would also have got the benefit of regularization with effect from 8.11.2006. But, his joining duty in the promoted post prospectively, will not effect his seniority, provided he joins duty with reference to the order dated 15.12.2006.

20) That in the premises afore said it is most respectfully submit that the applicant has failed to make out his case and is not legally entitled to get relief as prayed for and hence it is prayed that the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

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Guwahati Bench

VERIFICATION

I, Debananda Pegoo....., aged
 about ..59... years at present working as
Addl. Commissioner cum Regional Director.....
 , who is one of the respondents and taking steps in this case, being
 duly authorized and competent to sign this verification for all respondents,
 do hereby solemnly affirm and state that the statement made in paragraph

1,20

are true

to my knowledge and belief, those made in paragraph
2 to 19 being matter of records, are
 true to my information derived there from and the rest are my humble
 submission before this Humble Tribunal. I have not suppressed any material
 fact.

And I sign this verification this 16th day of October 2007 at -----


DEPONENT

AD HOC PROMOTIONS

(3) *Ad hoc* appointment of Section Officers of the CSS as Under Secretaries and equivalent posts.— Keeping in view the pressing requirements of various Ministries/Departments and the exigencies of public service, it has been decided, in partial modification of the instructions contained in O.M. dated 28-9-1983, to permit the Ministries/Departments to make *ad hoc* appointments to the posts of Under Secretaries/equivalent from among the Section Officers of the Central Secretariat Service subject to the following conditions:—

- (i) The *ad hoc* appointments would be ordered on the basis strictly of existing cadrewise seniority by the Ministries/Departments controlling the Section Officers' cadres.
- (ii) No officer who has not completed the requisite approved service of 8 years as Section Officers as on 1st July, 1989, would be appointed as *ad hoc* Under Secretary.
- (iii) The *ad hoc* appointments would be made purely as a temporary measure for a period not exceeding 3 months or until further orders, whichever is earlier. In case it is proposed to continue the *ad hoc* appointments beyond the initial period of 3 months, prior approval of this Department should be obtained well in advance.
- (iv) These appointments would be subject to the outcome of the SLP pending before the Supreme Court in the *Union of India and others v. Shri Amrit Lal and others*.
- (v) The *ad hoc* appointments will not confer any right for regularization of the same or for benefit such as seniority, etc., on a future date. Government reserves the right to terminate the *ad hoc* appointments without assigning any reason or giving notice, etc., to the officers concerned.
- (vi) Officers appointed on *ad hoc* basis should be cleared from vigilance angle.

2. The conditions mentioned above may be strictly adhered/suitably incorporated while issuing orders of *ad hoc* appointment and copies of all the orders in this regard may be endorsed to this Department for record.

[G.I., Dept. of Per. & Trg., O.M. No. 31/6/90 EO (MM), dated the 25th January, 1990.]

(4) Procedure to be followed when disciplinary proceeding is initiated against a Government servant officiating in a higher post on *ad hoc* basis.— The question whether a Government servant appointed to a higher post on *ad hoc* basis should be allowed to continue in the *ad hoc* appointment when a disciplinary proceeding is initiated against him has been considered by this Department and it has been decided that the procedure outlined below shall be followed in such cases—

- (i) Where an appointment has been made purely on *ad hoc* basis against a short term vacancy or a leave vacancy or if the Government servant appointed to officiate until further orders in any other

Also see Part IV (2) to Sec. VI (3)

No.F.1/39(1)/2005-AP-2
 UNION PUBLIC SERVICE COMMISSION
 DHOLPUR HOUSE: SHAHJAHAN ROAD

NEW DELHI - 110069.

3/85
 27/6/06
 A22/Exch - M-2

the Director General
 Employees State Insurance Corporation
 Panchdeep Bhavan, C.I.G. Road
 NEW DELHI

(Attention : Shri R. Natarajan, Joint Director - E.I)

Subject: DPC - Promotion to the post of Asstt. Director/Section Officer/Manager Gr. I in ESI Corporation.

Sir,

I am directed to refer to your letter No.33/13/1/2003-(AD)E.I dated 5th May, 2006 on the above subject and to say that the meeting of the DPC to consider the case cited above has been fixed for being held in this office on 12th September to 15th September, 2006 at 11.00 A.M. daily. The names and designations of the Departmental Members who will attend the meeting may please be intimated to this office urgently. They may be informed about the DPC meeting and be requested to make it convenient to attend the meeting on the date and time mentioned above. On arrival, they may kindly contact the Reception Officer, UPSC, who will guide them to the venue of the DPC meeting.

2. Attention of the Ministry / Deptt. in this regard is invited to the instructions contained in the O.M. No.22012/4/78-Estt.(D) dated 16.1.1980 issued by the Ministry of Home Affairs (Dept. of P&AR) according to which in respect of promotion to Group 'A' and Group 'B' posts, a Departmental Officer of appropriate level belonging to Scheduled Caste / Scheduled Tribe is to be nominated or co-opted by the appointment authority in the DPC meeting. You are accordingly requested that while intimating the names and designations of the Departmental Members who will attend the meeting, the position in this regard may kindly be specifically indicated. In case it is not possible to include any SC/ST officer in the DPC, whether by nomination or by co-option, the reasons for the same may kindly be contemplated in the instructions contained in the O.M. referred to above.

3. I am to point out that the date and time noted above have been kept reserved by the Commission for holding this DPC meeting. It would not be possible for the Commission to arrange any other meeting or interview on the date and time mentioned above if this meeting has to be postponed. The Ministry, is therefore, requested not to ask for a postponement of the meeting. In case such a request would have to be made the letter should specifically indicate that it has the concurrence of the Secretary of the Ministry.

Parry
 27/6/06

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I am further to say that only designated officers mentioned in the RRs or in the notification constituting DPC should attend the DPC meeting. No substitution is permissible. A copy of the notification regarding composition of the DPC may also be furnished to this office if not already done.

5. I am also to invite your attention to the instructions contained in DOP&T OM No.22011/8/87-Estt.(D) dated 3.6.1988 and to request you to inform the Departmental Members about the certificate to the effect that none of their close relatives is being considered for the DPC in question. It would enable them to furnish such a 'certificate' to their Ministry before associating themselves with the meeting of the DPC.

Yours faithfully,

(K. S. SAMPATH)
UNDER SECRETARY
UNION PUBLIC SERVICE COMMISSION
TEL: 23070363

Annexure - M 3

Dated : Oct. 08, 2003.

The Director General, Estt.
ESI Corporation, Hqrs. Office,
Panchdeep Bhawan, Kotla Road,
New Delhi - 2.

(Through the Regional Director, ESIC, Guwahati)

Sub: Posting as Manager Gr.I. in West Bengal Region : prayer for
allowing to surrender promotion in the next higher post.

Ref: Hqrs. Office order No. 614 of 2003.

Sir,

Kindly refer to Hqrs. Office order No. 614 of 2003 vide letter No. A.22/13/1/2003-Estt.I.(A) dated 26.09.2003 regarding promotion / posting of AD/ SO/Mg. Gr.I on ad hoc basis.

In this connection, I have to inform that I have been promoted to the post of Mgr. Gr.I(Sl. No. 28) and to state that at present I am not in a position to accept the promotion on the following grounds.

1. That Sir, my eldest son will be appearing in the Bsc. Part-I final examination under Guwahati University to be held in the first quarter of 2004 and my youngest son will also be appearing in the final examination of Class - X standard under CBSE to be held in the month of March, 2004. And in absence of my personal attention to them, it will adversely affect their academic career.
2. That sir, my mother is 87 years old, has been suffering from old age ailment and also bed-ridden. In the meantime, I have already lost two of my elder brothers in the previous year. In this critical juncture, I am the only male member beside her to look after in the last stage of her life.
3. That Sir, I have been suffering from Spondalities since long and also not in a position to undertake journey on regular basis as directed by attending doctor.

Under the above circumstances, I would like to request you, kindly to allow me to surrender my promotion and consider me for granting exemption from the operation of the above noted Hqrs. Office order.

Yours faithfully,

JUGAL BARUAH
(JUGAL BARUAH) 8/10/03
Suptd, R.O. ESIC Guwahati

Copy to :

1. The Regional Director, ESI Corporation, Regional Office, Guwahati with a request kindly to forward my representation dtd 08.10.2003 to Hqrs. Office, New Delhi.
2. The Addl. Commissioner, ESI Corporation, 5/1 Grant Lane, Kolkata -12 for information and necessary action.

(JUGAL BARUAH)

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Amravati, M.L.
S.P. and P.S.
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No.F.9/39(2)/2006-AP.2
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAHJAHAN ROAD,
NEW DELHI-110069

12th July, 2006

To

The Employees State Insurance Corporation,
Panchdeep Bhawan, C.I.G. Road,
New Delhi-110002

(Attn: Shri R. Natarajan, Joint Director E.I)

Sub: OA No.32/2006 filed by Shri J. Baruah and others in
CAT, Guwahati Bench, Guwahati.

Sir,

I am directed to state that this office has received notice alongwith the copy of OA in the above case from CAT Guwahati Bench, Guwahati. It is presumed that you have also received similar notice and necessary action is being taken by you to defend the case. This may kindly be confirmed.

2. I am further to state that the issues raised in the present OA relate to the conditional ad hoc promotion of the applicant and his posting from Guwahati to West Bengal with which the ESI Corporation alone are concerned and non holding of DPC for filling up the post of Assistant Director/Section Officer/Manager Gr.1 on regular basis. Further no relief has been claimed from the Commission as none of the actions challenged in the OA have been taken by them. Thus, the Commission have been impleaded unnecessarily in the case. In view of this position, the Commission have decided not to enter a separate appearance in the case. The counsel appearing on behalf of the Corporation may kindly be informed of the position as above and he/she may please be requested to place the above fact before the Hon'ble Tribunal and pray to the Tribunal for dismissal of the OA with costs in so far as the Commission are concerned.

3. As you may be aware, meetings of the DPC for considering the regular promotions to the grade of Assistant Director/Section Officer/Manager Gr.1 are scheduled to be held in the Commission's office from 12th to 15th September, 2006. This fact may please also be incorporated in the reply to be filed by the Corporation.

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Copy

4. A copy of your reply as and when filed may kindly be furnished to this office for perusal/record. Developments in the case may please also be intimated to the Commission from time to time.

Yours faithfully,

Sd/ (K.S. SAMPATH)
Under Secretary
Phone: 23070363

Copy to:

✓ Ms. Usha Das,
Addl. C.G.S.C., Birubari,
Gopinath Nagar, Guwahati-16

The Commission have decided not to file any reply in OA No.32/2006, filed by Shri Jugal Baruah. This for your information.

Unsign
(K.S. SAMPATH)

Notice

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Date - 05/11/07

From,
Usha Das
Adv. Ch. & C

To,
Mr. M. Chander
Mr. S. Nath
Advocates

Sub: OA no. 32/06 filed by
Srujanal Barnah

Sir,
Please find herewith a copy
of WS against. The Consolidated
OA being filed Today, kindly
acknowledge the receipt thereof.

Thanking You

Received copy

Dutta
14/11/07
Advocate

Sincerely Yours

Usha Das
Adv. Ch. & C