

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Contempt Civil Petition No.200/00071/2015
(in OA 524/2013)

Jabalpur, this Tuesday, the 19th day of June, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Pushpendra Kumar, S/o Shri Padam Singh
Aged about 33 years R/o Sitaram Colony Gulab Bagh
Baari Road, Dholpur 328001
Rajasthan

-Petitioner

(By Advocate –**Shri S.K. Nandy**)

V e r s u s

1. Shri Deepak Kumar Director General Employees State Insurance Corporation Panchdeep Bhawan, CIG Road New Delhi 110002

2. Shri Rakesh Kumar Jt. Director (Recruitment) Headquarter Office, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi 110002

3. Shri Sanjeev Kumar Jt. Director, Employees State Insurance Corporation, Model Hospital & Occupational Disease Centre Nanda Nagar, Indore M.P.

4. Dr. Pratibha Dubey Medical Superintendent Employees State Insurance Corporation Model Hospital & Occupational Disease Centre Nanda Nagar Indore M.P.

5. Dr. R.K. Kataria, Medical Commissioner Employees State Insurance Corporation Panchdeep Bhawan, CIG Road New Delhi 110002

- Respondents

(By Advocate –**Shri Sajid Akhtar**)

ORDER (Oral)**By Ramesh Singh Thakur, JM:-**

This contempt petition has been filed by the petitioner against the respondents for non compliance of the order dated 16.12.2014 passed by this Tribunal in O.A. No.524/2013.

2. The respondents/contemnors have filed their response and it has been specifically submitted by the replying respondents that the respondent neither willfully nor intentionally are not complying the direction of the Tribunal. The replying respondents have specifically submitted that the processing of applications were to be done at Regional Level by each of the designated Hospitals, as the posts were of Regional cadre. Accordingly each of the designated authorities (Medical Superintendent of respective ESIC Hospital) appointed external agencies for scrutiny of the applications and issue of admit card to eligible candidates. The Medical Superintendent ESIC Model Officer Indore declared the result on various dates for various categories of posts. Meanwhile, on anonymous complaint was received by the vigilance division of HQ office, alleging therein that there was a deliberate delay in declaring the results and demand illegal gratification from the candidates who appeared in the recruitment test. The CVO, ESIC ordered for an investigation of the complaint by a team of vigilance

officers, who submitted therein investigation report on 06.06.2012 (Annexure R-1). So, after receiving the vigilance report, the result declared earlier was cancelled vide order dated 09.07.2012 (Annexure R-2). There was no uniformity in scrutiny of the applications by outsources agency, which resulted in rejection of applications of many potentially meritorious candidates on various grounds like age, lack of relevant experience certificates etc., while accepting applications of many others candidates which similar discrepancies. It was instructed by vigilance report dated 06.06.2012 to scrap select list/result prepared/declared by ESI-MH Indore HQ Office, instructed R.D. ESIC Indore to recast the result in the cadre of Staff Nurse/Nursing Orderly/Jr. Radiographer. So Medical Superintendent ESIC Indore in compliance to HQ directions cancelled the result for the said posts vide letter dated 19.07.2017 (Annexure R/3). The same was communicated to the HQ and also uploaded on ESIC Website M.S. ESIC, Indore and submitted necessary documents to Regional Director Indore for recasting the result as per result. Further as per the orders of Director General ESIC a team of two officers from recruitment division ESIC HQ office vetted the results, recast by the RD ESIC Indore but the recast result was not declared as the matter was subjudice in OA 177/2013, 178/2013, 179/2013, 205/2013,

1060/2013, 1068/2013 and 734/2012, all filed before the Hon'ble High Court of Madhya Pradesh Indore and this Tribunal. O.A. No.201/2015 and Writ Petition No.4160/2014 is still pending before Hon'ble High Court of M.P. Indore and this Tribunal respectively.

3. It has been further specifically submitted the respondent No.4 had passed a speaking order dated 09.03.2015 as per the order dated 16.12.2014 passed in O.A. No.524/2013. It has been clearly mentioned in said order that as per order dated 06.05.2014 in O.A. No.177/2013, 178/2013, 179/2013 and 205/2015 passed by this Tribunal the matter has to be investigated by CBI and since at that time no report was received from CBI, hence no direction was taken with regard to the appointment of the applicant.

4. It has been specifically submitted by the replying respondents that Hon'ble High Court vide order dated 06.05.2014 in O.As Nos.177/2013, 178/2013, 179/2013 and 205/2013 in the above recruitment, CVC was directed to have a relook into the matter regarding irregularities observed in the above recruitment process of para medical staff. Resultantly CVC vide office memorandum dated 23.9.2015 (Annexure R-9) has advised the Secretary Ministry of L& E and ESIC to decide the issue regarding scrapping of the entire recruitment process.

5. So, as per the directions of CVC the issue was examined and it was decided in the month of April 2016 to cancel the entire recruitment process vide letter dated 27.04.2016 (Annexure R-8) in view of irregularities observed in the recruitment process after obtaining the approval from the Ministry of Labour and Employment.

6. Accordingly, the notice regarding cancellation of entire process for nursing and para medical staff in ESIC Model Hospital Indore has been issued on 11.05.2016 (Annexure R-10). It has further submitted by the replying respondents that the applicant has also been informed vide a final speaking order dated 12.08.2016 (Annexure R-11) regarding cancellation of entire recruitment process.

7. After going through the submissions made by the replying respondents we are of the opinion that the replying respondents has fully complied with our order in letter and spirit, though there was a delay which was not willful or intentional.

8. Resultantly this Contempt Petition is closed. The respondents/contemnors are discharged from the notices of contempt.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member