

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Contempt Civil Petition No.200/00072/2015
(in OA 734/2012)

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

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

Dinanath Gupta, S/o Shri Pannalal Gupta
Date of Birth 25.07.1974
R/o Village Gondha Post Bida Semriya Road,
District Rewa M.P.

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

3. 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**)

O R D E R (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.734/2012.

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 each of the designated Hospitals, as the posts were of Regional cadre. Accordingly, each of the designated authorities by 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. Though the applications were not invited from physically handicapped and Ex-serviceman in the advertisement published in the newspapers in respect of ESIC Indore Shri J.S. Ahirwal, JD (Admn.) has placed the PH candidates in the final select list. Various clarifications issued by the headquarters vide letter dated 13.02.2012 and 29.02.2012 wherein it has been clearly mentioned that the result should be prepared according to category wise no. of vacancies advertised/available, thus selection of PH candidates after giving relaxation in age and mark is not fair. Accordingly as per headquarter vigilance branch letter dated 02.07.2012 Medical Superintendent ESIC Indore cancelled the offer of appointment dated 26.04.2012 of the applicant vide letter dated 09.07.2012.

3. It has been further specifically submitted that since against the recruitment process many court cases have been filed before the Hon'ble High Court Indore, CAT Jabalpur and the matter is still subjudice before the Hon'ble Courts. 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-10) has advised the Secretary Ministry of L& E and ESIC to decide the issue regarding scrapping of the entire recruitment process.

4. 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-11) in view of irregularities observed in the recruitment process after obtaining the approval from the Ministry of Labour and Employment.

5. 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-12). 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-12) regarding cancellation of entire recruitment process.

6. 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.

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

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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