

Sub:-Relaxation of eligibility condition for promotion to Joint Director in ESIC.

Reference FR-I and II:-

This is regarding a proposal received from ESIC for relaxation of eligibility condition for promotion for the post of Joint Director.

2. In this regard, ESIC has stated that there is acute shortage of Joint Directors in ESIC and 14 Sub Regional Offices are without appropriate level of head of office which is adversely affecting the routine functions of the Corporation. There are 26 in-position Joint Director against sanctioned strength of 144, resulting 118 post of Joint Director vacant.

3. As per the rule-10 of RR, the method of recruitment to the post of Joint Director is 100% by promotion. While as per Rule-11 of RR, Dy. Director with 10 years' of service in PB-3 with GP of Rs.5400/- including regular service as Dy. Director (STS) in PB-3 with GP of Rs.6600/-, failing which combined regular service of 12 years in the grade of Asstt. Director in PB-2 with GP of Rs.4800/- and Dy. Director in PB-3 with GP of Rs.5400/- out of which five year regular service should be in PB-3 with GP of Rs.5400/- including the service in STS with GP of Rs.6600/-.

4. Vide Ministry letter dated 29/01/2016 and ESIC Office Order dated 29/01/2016, 5 juniors Dy. Directors in seniority list have been promoted while their senior Dy. Director could not be considered for promotion as they are not fulfilling eligibility conditions.

5. As per Rule-5 of RR states that "where the Director General of the ESIC is of the opinion that it is necessary or expedient to do so, he may, after taking prior approval of the Central Government and in consultation with the UPSC, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations, with respect of any class or category of persons".

6. In this regard, ESIC has also obtained/enclosed legal opinion from Shri P.C. Hota, Advocate and he had opined that "The Director General of ESIC has power to relax any provisions of the rules in r/o any class or category of person after prior approval of the proposal for relaxation of the recruitment regulations by the Central Govt. and in consultation with the UPSC. It is, therefore, open for the DG, ESIC to decide whether he would like to invoke the power to relax the rules in appropriate cases".

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7. In view of the foregoing, ESIC has sought approval of the Ministry for promoting 35 Senior Time Scale Dy. Directors, who are placed above the already promoted juniors on adhoc basis under Rule 5 of RR for the post of Regional Director Gr.B/Joint Director by relaxing the eligibility criteria specified in column-11 of the RR.

Submitted please.

US (Am) 21/11/16

Recruitment Rules of the post of Joint Director in ESIC may be seen at flag-RR. This is a peculiar situation in which some juniors have been promoted to the grade of Jt. Director by-passing their seniors despite having a clause which protects the rights of seniors to get relaxation in qualifying service if their juniors are being considered for promotion. However, this relaxation is only for 2 years (Note 2 of the schedule).

2. On perusal of the RRs, it may be seen that the situation has arisen due to eligibility clause provided therein where qualifying service for promotion is to be counted not only in immediate lower grade but in posts even two level below. This has created situation in which some promotee junior Dy Directors have been promoted having completed the requisite qualifying service in lower grades whereas DR officers have been left out.

3. Thus, there is immediate need to remove this disparity. As a short term solution to this situation, as recommended by ESIC, is to allow adhoc promotion to senior DDs by relaxing the provisions of RRs in so far as qualifying service is concerned for which a reference may be sent to UPSC for relaxation of RRs. It is important to note here that out of 144 posts of JDs, 118 posts are vacant.

4. A permanent solution to remove the disparity would be to amend the eligibility conditions of promotion in RRs in consultation with UPSC. For this ESIC may be asked to examine the issue and send us proposal for amendment to RRs.

Para 3 & 4 for approval please.

Dir (GS)

'A' for kind consideration and approval please

JS (RA)

24/11/16

Dir (M)

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Office of Director (Special Security) D/S No. 42984 Date 24.11.16

Office of JS (RA) FTSDy. No. 42984 Date 24/11/2016

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