

SUPPL. II	AMENDMENTS/FRAMING OF RECRUITMENT REGULATIONS FOR THE POSTS OF DEPUTY DIRECTOR, SENIOR DEPUTY DIRECTOR AND REGIONAL DIRECTOR GRADE 'B'/JOINT DIRECTOR IN ESI CORPORATION.
ITEM NO.	
ESIC-1	

Present hierarchal structure of Group 'A' posts in administrative side of ESIC is as under:-

Insurance Commissioner [Level 14, (Rs. 144200-218200)] Total posts : 5
Additional Commissioner [(Level 13 A (Rs. 131100-216600))] Total posts : 25
Regional Director Grade 'A'/Director [Level 13 (Rs. 123100-215900)] Total posts : 69
Regional Director Grade 'B'/Joint Director [(Level 12, (Rs. 78800-209,200))] Total Number of posts : 140
Deputy Director (STS) [Level 11, (Rs. 67,700-208700)] No specified number of posts. Time bound promotion after completion of five years regular service
Deputy Director [Level 10 (Rs. 56,100-177,500)] Total Posts : 519

As per existing RRs for the post of Regional Director Grade 'B'/Joint Director, for promotion to the post ten years regular service as Deputy Director [including the regular service rendered as Deputy Director (STS)] under primary clause and twelve years combined regular service as Deputy Director [including the regular service as Deputy Director (STS)] and Assistant Director /Section Officer/Manager Grade I out of which five years regular service as Deputy Director [including the regular service as Deputy Director(STS)] under failing which clause is required. RRs for the post of Regional Director Grade 'B'/Joint Director were notified in 2013 with the approval of the MoL&E and in consultation with UPSC and also after taking opinion from the DoP&T.

In this context the MoL&E vide their letter No. S-38016/21/2013-SS.I dated 29.11.2016(date has been inadvertently written as 29.11.2015) pointed out that in the eligibility clause provided in the RRs for the post of Regional Director Grade 'B'/Joint Director, qualifying service for promotion is counted not only in immediate lower grade but in posts even two level below. This has created situation in which some promotee junior Deputy Directors have been

promoted having completed the requisite qualifying service in lower grades whereas DR officers have been left out. MoL&E in the said letter dated 29.11.2016 has directed the ESIC to examine the issue and send the proposal to the Ministry for amendment to Recruitment Rules in consultation with UPSC.

The issue has been examined. The present anomaly can be removed by changing the hierarchal structure from Deputy Director to Regional Director Grade 'B'/Joint Director with provision of specified number of posts in Level 11 of the Pay Matrix with new nomenclature of the post of Senior Deputy Director in place of the existing nomenclature i.e. Deputy Director (STS). Accordingly, the revised hierarchal structure is proposed as under :-

Sl. No.	Nomenclature of the post	Present Sanctioned strength	Revised sanctioned strength
1	Deputy Director	519	385
2	Senior Deputy Director *	No specified number of posts in the present nomenclature of the post i.e. Deputy Director (STS)	180
3	Regional Director Grade 'B'/Joint Director	140	94
	Total	659	659

*Present name of the post is Deputy Director (Senior Time Scale)

As no additional posts are proposed in the revised hierarchal structure, there is no additional financial burden on the ESI Corporation.

Details of revised strength of the aforesaid post is given in **APPENDIX- I.**

Further, RRs for the post of Deputy Director, based on the 7th CPC recommendations, has been approved by the ESI Corporation in its 171st meeting held on 18.2.2017, which was later approved by the UPSC vide their letter No. 3/12(1)/2017-RR dated 11.4.2017 with some modifications. These RRs have not been notified till date as UPSC vide their letter No. 3/12(1)/2017-RR dated 4.7.2017 has advised the ESIC/MoL&E to take up the matter regarding resolution of qualifying service for Deputy Director (STS) with DoP&T. In this regard a reference was sent to the MoL&E vide ESIC letter No. A-12(11)3/2015-E.I. dated 21.7.2017. The MoL&E after taking opinion from the DoP&T, vide D.O. letter No. A-12018/04/2011-SS.I dated 18.1.2018 of Economic Advisor (SS) of the Ministry, addressed to

the Secretary, UPSC, recommended to the Commission for grant of non-functional pay scale under the nomenclature of Deputy Director (Senior Time Scale) in Level 11 of the 7th CPC upon completion of four years of regular service as Deputy Directors in Level 10 of the 7th CPC. No decision in this regard has been taken by the UPSC. As the sanctioned strength of the post of Deputy Director in Level 10 of the Pay Matrix in the revised proposal is reducing substantially from 519 to 385, and also Non functional Pay scale of Deputy Director (Senior Time Scale) is being replaced with a promotional post with specified number of post, there will be need for amendments in the recruitment regulations for the post of Deputy Director as well.

Accordingly draft RRs for the posts of Deputy Director, Senior Deputy Director and Regional Director Grade 'B'/Joint Director were prepared and in compliance of the DoP&T OM No. AB-14017/61/2008—Estt. (RR) dated 13.10.2015, a copy each of the proposed RRs for the aforesaid three posts were put up on the official website of the ESIC for seeking comments of the stakeholders vide ESIC Memorandum No. A-12(11)3/2017-E.I dated 29.12.2017 within 30 days of the issue of the Memorandum. In this regard 183 representations were received from various stakeholders which have been examined.

Here, it is pertinent to mention that in OA No. 732/2017 filed by Hemant Kumar Pandey & others vs UOI and others before the Principal Bench of Central Administrative Tribunal, Delhi challenging the inclusion of failing which clause in the existing RRs for the post of Regional Director Grade 'B'/Joint Director, the Hon'ble CAT vide its Order dated 11.1.2018 ordered as under:-

"The Principal relief claimed in the present O.A is for declaring the regulations of 2013 as ultra vires of the Constitution being discriminatory and unreasonable.

2. Mr. Padma Kumar S, learned counsel for the applicant has made a statement at the bar that in the counter affidavit filed by the official respondents the recruitment regulations are under review. In para -20, thereof, it is stated that the recruitment regulations are under review as per the directions of the Ministry of Labour & Employment as contained in letter dated 29.11.2016. Learned counsel for the applicants has also filed rejoinder and placed on record Memorandum dated 29.12.2017, whereby the draft recruitment regulations namely, the Employees' State Insurance Corporation Deputy Director Regulations, 2017 and for other posts were circulated. The respondents have invited objections to the draft recruitment regulations.

3. The grievance of the applicant is redressed on the basis of the draft recruitment regulations namely Employees' State Insurance Corporation, Regional Director Grade 'B'/Joint Director, Recruitment Regulations, 2017.

4. In this view of the matter, this O.A is disposed of with the following directions:

The respondents will complete the process of the notifying the recruitment regulations, namely, the Employees' State Insurance Corporation, Regional Director Grade 'B'/Joint Director, Recruitment Regulations, 2017 after receiving the objections from all the stakeholders including the applicants in M.A. No. 4051/2017 within a period of three months from the date of receipt of a Certified copy of this order.

5. Consequently, M.A. No. 110/2018 is also disposed of. No costs."

Comparative statements showing the provisions of existing RRs and proposed RRs for the posts of Deputy Director, Senior Deputy Director and Regional Director Grade 'B'/Joint Director and the reasons for the revision proposed can be seen in Appendix II-B to IV-B respectively. The existing RRs for the post of Deputy Director, Deputy Director (STS) and Regional Director Grade 'B'/Joint Director can be seen in APPENDIX-II-C TO APPENDIX IV-C respectively. Copy of the MoL&E letter dated 29.11.2016, , UPSC letters dated 11.4.2017 and 4.7.2017, D.O. Letter dated 18.1.2018 of Economic Advisor (SS) of MoL&E, Order dated 11.1.2018 of the Hon'ble CAT, Principal Bench, Delhi, ESIC Memorandum dated 29.12.2017 and examination of the representations/comments of the stakeholders are as given in APPENDIX-V to XI.

Approval of ESI Corporation is solicited for revised sanctioned strength for the posts of Deputy Director, and Regional Director Grade 'B'/Joint Director and for creation of posts of Senior Deputy Director as per details given in APPENDIX-I and for amendment/framing of RRs for the posts of Deputy Director, Senior Deputy Director and Regional Director Grade 'B'/Joint Director as proposed in APPENDIX II-A to APPENDIX-IV -A respectively so that RRs for the posts may be notified in consultation with UPSC and with the approval of the MoL&E.
