



EMPLOYEES' STATE INSURANCE CORPORATION

(STAFF AND CONDITIONS OF SERVICE)

REGULATIONS, 1959

(Corrected upto 18.01.1992)

EMPLOYEES' STATE INSURANCE CORPORATION
NOTIFICATION*

NEW DELHI, 16th DECEMBER, 1959

No.2.2.1.56 Estt. In exercise of the powers conferred by sub-section (1) of Section 97 read with clause (xxi) of sub-section (2) and sub-section (2-A) of that Section and sub-section (2) of Section 17 of the Employees' State Insurance Act, 1948 (34 of 1948), the Employees' State Insurance Corporation hereby makes, with the approval of the Central Government, the following regulations, namely:-

Employees' State Insurance Corporation
(Staff and Conditions of Service)

Regulations, 1959.

1. Short Title and Commencement - (1) These Regulations may be called the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959.

(2) They shall come into force at once.

2. DEFINITIONS - In the regulations, unless the context otherwise requires -

(a) "Act" means the Employees' State Insurance Act, 1948 (34 of 1948);

(b) "Commission" means the Union Public Service Commission;

(c) "Corporation" means the Employees' State Insurance Corporation established under the Act;

(d) "Director General" means the Director General of the Corporation;

(e) "Employee" means a person appointed to or borne on the cadre of the staff of the Corporation;

(f) "Month" means a calendar month;

(g) "Post" means a post under the Corporation and a post shall be deemed to be a post in Class I, Class II, Class III or Class IV, according as such post is specified in Class I, Class II, Class III or Class IV in the First Schedule;

(h) "Schedule" means schedule to these regulations;

(i) "Service" means a service under the Corporation;

(j) "Standing Committee" means the Standing Committee of the Corporation;

(k) All other words and expressions used hereinafter but not defined herein shall have the meaning assigned to them in the relevant rules applicable to the corresponding classes of Central Government servants.

3. APPLICATION - These regulations shall apply to every whole-time employee of the Corporation, other than the Principal Officers appointed under Section 16 of the Act;

Provided that a Government servant or an employee of a local authority, whose services have been or may be obtained on deputation by the Corporation, may be governed by such terms and conditions as may be settled by the Director General in consultation with the Government or the local authority concerned;

Provided further that an employee appointed on contract or tenure basis may be exempted from these regulations to such extent and subject to the submission of a report to the Standing Committee.

4. Appointing Authority - All appointments to posts shall be made by the Director General;

Provided that the Standing Committee or the Director General may, by general or special order, delegate to any other authority or officer of the Corporation, powers to make appointments to any post or class of posts other than posts in Class I and Class II.

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5* Probation:

- (1) Every employee appointed to a post by direct recruitment with a view to his eventual substantive appointment to that post shall be on probation for a period of two years except that in case of appointment by direct recruitment to any posts for which the age of entry is 35 years or above and where no training is involved, the period of probation shall be one year.
- (2) Persons who are inducted into a service/group through promotion shall also be on probation for a period of two years. There will be no probation for a person promoted from one grade to another within the same group except where the promotion involves a change in the group of posts in the same service.
- (3) Notwithstanding the provisions contained in (2) above, a person promoted to the post of Insurance Inspector/Manager Gr.II/Superintendent/Dy. Manager from the grade of Head Clerk/Assistant/Manager Grade III/Personal Assistants shall be on probation for a period of one year.
- (4) Wherever probation includes on the 'job' or "Institutional" training combined with actual performance on the job, probation for a period of two years shall be essential.
- (5) In the case of those who are re-employed before the age of superannuation i.e. ex-military personnel there will be probation of two years on their appointment/re-employment to civil post.

*Substituted by Notification published in the Gazette of India dated 16:6:1990(part-III/Section IV)4....

- (6) There will be no probation in the case of officers appointed to various posts on contract basis, deputation, tenure basis, re-employment after superannuation and permanent transfer.
- (7) The appointing authority may, in suitable cases, extend the period of probation for not more than one year, except for special reasons, but no employee shall, in any case, be kept on probation for total period exceeding four years in any post.
- (3) The appointing authority may, at its discretion, count any period or part thereof during which an employee has successfully officiated in a post as period of probation in that post.
- (9) Confirmation of an employee will be made only once in his service and will be in the regular post in the entry grade. An employee shall be confirmed in the post after he has satisfactorily completed his period of probation, and his case has been considered by the DPC and has been cleared from all angles.
- (10) The decision on the question whether an employee should be confirmed or whether he should be deemed to have completed the period of probation satisfactorily or whether his probation should be extended shall ordinarily be taken within a period of probation and communicated to the employee together with the reasons in case of extension. An employee who does not make satisfactory progress or shows himself to be inadequate for the post in any way

shall be informed of his short-comings sufficiently before the expiry of the initial period of probation to enable him to make special efforts for improvement.

6. Termination of service:

- (1) Notwithstanding anything contained in these regulations an employee shall not leave or discontinue his service without giving, where he is a permanent employee, three months' notice, and in any other case one month's notice in writing of his intention to do so, to the officer incharge of his office or in the case of the Head of an office to the next superior officer, and until the notice so given is accepted by the appointing authority.
- (2) The services of a permanent employee may be terminated on the abolition of the permanent post held by him in a class or cadre or reduction in the number of posts in the class or cadre, by the authority competent to make appointments to the post which the employee holds, on giving three months' notice or pay in lieu thereof; provided that this power shall be exercised where the appointing authority is not the Director General, with the approval of the Director General.
- * (3) The services of a temporary employee may be terminated without assigning any reason therefor, at any time, after giving him one month's notice by the appointing authority:

* Substituted vide Notification No.1(1)-1/72-Estt.
dated : 22.7.1974 Gazette No.34 dated 25.8.74.

Provided that the services of any such employee may be terminated forthwith and on such termination the employee shall be entitled to claim a sum equivalent to the amount of his pay and allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service or as the case may be, for the period by which such notice falls short of one month.

(4) Notwithstanding the provisions of sub-regulations (1), (2) and (3), where a competent authority has reason to believe that an employee is suffering from:

- (a) any contagious disease, or
- (b) a physical or mental disability which in its opinion with the efficient discharge of his duties,

that authority may direct such employee to undergo a medical examination in accordance with the procedure applicable to the corresponding categories of Central Government employees in accordance with the provisions of the Central Civil Services (Medical Examination) Rules, 1957 as modified from time to time and after the result of such medical examination is available, deal with the employee in the manner specified in the Rules aforesaid.

*Substituted vide ESIC Notification No.1(1)-1/66-Estt. I dated : 31.7.1969, published in the Gazette of India (Part-III Section IV) dt. 16th August, 1969.

**Substituted vide Notification No. 1(1)-/72-Estt. I dated 24.9.73 published in Part-III Section IV of Gazette of India No.40 dated 13.10.1973.

7. Pay, Leave, Provident Fund and Age of Retirement --

(1) The scales of pay attached to the posts under the Corporation shall be as set out in the First Schedule.

(2) The regulations relating to the grant of leave, benefit of gratuity and provident fund to the employees and the age at which they shall retire or shall be retired from service, shall be as set out in the Second Schedule.

(3) The fixation of pay, grant of increment and connected matters shall, in the case of an employee, be governed by the provisions contained in the Fundamental Rules and the Supplementary Rules framed thereunder as applicable, from time to time, to employees of the Central Government. The initial pay of employees appointed on the recommendation of the Commission will, however, be as recommended by the Commission.

(4) Notwithstanding the provisions of sub-regulation (3) -

(a) The initial pay of a government servant, permanent or temporary, on first appointment in the Corporation, on the recommendation of the Commission or otherwise, shall not be less than what would have been admissible to him if he were appointed to a post in similar scale of pay under the Central Government;

(b) The service, including the broken period of service, rendered by a temporary Government servant under the Central Government in the time scale of pay similar to that to which he

is appointed in the Corporation, shall be counted for purpose of increment, provided he is appointed in the Corporation without any break after the termination of his service under the Central Government.

(5) The employees will be entitled to such allowances including travelling allowance and concessions as may be admissible from time to time to corresponding category of Central Government servants.

8* PENSIONARY BENEFITS

(1) All employees of the Corporation other than (i) Principal Officers (ii) Persons appointed on contract (iii) a Government servant or employee of local authority who is on deputation to the Corporation (iv) re-employed pensioners and (v) purely temporary employees on daily wages basis, who entered the service of the Corporation on or after the 4th December, 1959 shall be entitled to the benefits of pension, family pension, death-cum-retirement gratuity and service gratuity for their service in the Corporation on the same scale and subject to the same terms and conditions as are laid down in the Pension Rules of the Central Government i.e. the rules laid down in Central Civil Services (Pension) Rules, 1972, Civil Pensions (Commutation) Rules, and Central Civil Services (Temporary Service) Rules, 1949 or 1965, as the case may be, as modified from time to time:

Provided that where the Standing Committee with the approval of Central Government, decides not to adopt any such

*Published in the Gazette of India No.8 dated 23.2.1980 vide ESIC Notification No.A-40(11)-2/77-Estt.IV dated 5.2.80.

modifications or, as the case may be, decides to adopt them with variations as the Standing Committee may deem fit, the said Pension Rules of the Central Government shall apply either without any such modification or, as the case may be, with such variations as may be made.

EXPLANATION

- (a) The employees of the Corporation who have retained or continue to retain the benefits of the Contributory Provident Fund admissible under the Employees' State Insurance Provident Fund Regulations, 1951 shall enjoy those benefits.
- (b) An employee who is a member of the contributory Provident Fund may exercise an unconditional and unambiguous option to be governed by the C.C.S. (Pension) Rules, 1972, within two months from the date of publication of the Employees' State Insurance (Staff and Conditions of Service) Amendment Regulations, 1980. He shall then cease to be entitled to the Contributions payable by the Corporation under Regulation 9 of the E.S.I.C. (Provident Fund) Regulations, 1951, from the date of his subscribing to the Contributory provident Fund and the Corporation's contributions and interest thereon already credited to Contributory Provident Fund account shall revert to the Corporation immediately and the account shall be converted into a GPF account from

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the date the employee has been subscribing to the Contributory Provident Fund. The services of such an employee shall be deemed to have been rendered in pensionable establishment from the commencement of his service irrespective of the period of service for which he subscribed to the Contributory Provident Fund and shall count for pension in the manner and to the extent provided in the relevant Pension Rules of the Central Government, referred to above.

(2) An employee who entered service prior to the 4th December, 1959, shall also be entitled to the benefit specified in sub-regulation (1), provided he opts therefor or is deemed to have opted therefor in the manner prescribed in sub-regulation (3) hereunder in preference to the benefits of the Contributory Provident Fund admissible under the Employees' State Insurance Corporation (Provident Fund) Regulations, 1951. An employee on, exercising such an option or having been deemed as having exercised such an option, shall cease to be entitled to the contributions payable by the Corporation under regulation 9 of the aforesaid Provident Fund Regulations from the date of his subscribing to the Contributory Provident Fund and the Corporation's contributions and interest thereon credited to his Contributory Provident Fund Accounts shall revert to the Corporation immediately and the account shall be

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converted into a non-contributory provident fund account from the date the employee has been subscribing to the Contributory Provident Fund. The service of an employee opting for the benefits of pension etc. in this manner shall be deemed to have been rendered in pensionable establishment from the commencement of his service in the Corporation irrespective of the period of service for which he subscribed to the Contributory Provident Fund and shall count for pension in the manner and to the extent provided in the pension rules.

(3) The employee referred to in sub-regulation (2) shall, upto the 30th April, 1965, exercise an unconditional and unambiguous option in the form appended to these Regulations, electing the pensionary benefits or retaining the existing Contributory Provident Fund benefits under the Employees' State Insurance Corporation (Provident Fund) Regulations, 1951, as the case may be. The option once exercised shall be final and irrevocable. Any such / showing
his
option employee from whom the form of option is not received (within the date aforesaid) or whose option is incomplete or conditional or ambiguous, shall be deemed to have opted for the Pensionary benefits.

(4) An employee who sustains an injury or dies as a result of an injury or is killed in the course of and as a consequence of the performance of his duty, may be awarded an extraordinary pension on the same scale and subject to the same conditions as laid down in the Central Civil Services (Extraordinary Pension) Rules

of the Central Government as in force on the date of the publication of this notification and also subject to such modification as may be adopted hereafter by the Standing Committee of the Corporation with the approval of the Central Government.

(5) The following terms occurring in the Central Government rules aforesaid shall have the meanings as assigned below to them in their application to the employees of the Corporation:

- (i) "Accountant General" means the Chief Accounts Officer of the Corporation.
- (ii) "Audit Officer" means the Accounts (and Audit) Officer in the Corporation, whatever his official designation in whose circle of audit an employee is serving or in respect of verification of service for pension is holding or has held a permanent non-tenure post in a substantive capacity.
- (iii) "Foreign Service" means service in which an employee receives his substantive pay with the sanction of the competent authority from the source other than the Employees' State Insurance Fund.
- (iv) "General Revenues" mean the Employees' State Insurance Fund.
- (v) (a) "Government Service" means service in the Corporation.
(b) "Government servant" means an employee of the Corporation.

(vi) "Head of Department" means the Director General, Employees' State Insurance Corporation.

*(vii) "Local Government or Central Government of India or the President" means the Standing Committee of the Corporation.

(viii) "Qualifying Service" means service under the Corporation in a pensionable post which an employee holds substantively (on a permanent establishment) immediately before his retirement or death and shall include continuous temporary or officiating service in the Corporation other than periods of casual/daily rated service and the service paid from contingencies, in a pensionable post followed without interruption by confirmation in the same or another post.

(ix) "Treasury Officer" means an Officer of the Corporation authorised to make payments from the Employees' State Insurance Fund.

9. Control and Discipline - All employees of the Corporation shall be subject to the superintendence and control of the Director General and shall be governed by such rules of conduct, discipline and control as hereinafter provided or as the Director General may, from time to time, by general or special order, specify.

*Vide Notification No.1(1)-1/72-Estt.I-C-II dated 14.7.76 published in Gazette No.31 dated 31.7.76.

more, you please refer to the Director General's order, dated 16.8.1969, in this regard.

ESIC Notification No.1(1).1.66, dated 16.8.1969, published in the Gazette of India, Part-III, Section IV, dated 16.8.1969.

10. SUSPENSION -

(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Director General by general or special order, may place an employee under suspension:

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(aa) where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest of the security of the state; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Provided that, where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority, the circumstances in which the order was made.

(2) An employee shall be deemed to have been placed under suspension by an order of the appointing authority -

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if, in the event of conviction for an offence, he is

*Regulations 10 to 22 substituted by ESIC Notification No.1(1).1.66, Estt.I, dated 31.7.1969 published in the Gazette of India (Part-III Section IV) dated 16.8.1969.

sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION : The period of forty-eight hours referred to in Clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

- (5) (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- (b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is sub-ordinate.

11. PENALTIES - The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely :

MINOR PENALTIES :

- (i) Censure;
- (ii) Withholding of his promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused by him to the Corporation by negligence or breach of orders;
- (iv) withholding of increments of pay;

MAJOR PENALTIES :

- (v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the employee will earn an increment of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) reduction to a lower time-scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post;
- (vii) Compulsory retirement;
- (viii) removal from service which shall not be a disqualification for further employment under Corporation;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under Corporation.

EXPLANATION : The following shall not amount to a penalty within the meaning of this regulation, namely :

- (i) withholding of increments of pay of an employee for his failure to pass any departmental examination

in accordance with the regulations or orders governing the post which he holds or the terms of his appointment;

- (ii) stoppage of an employee at the efficiency-bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case *by a duly constituted Departmental Promotion Committee* to a grade or post for promotion to which he is eligible;
- (iv) reversion of an employee officiating in a higher grade or post to a lower grade or post, on the ground that he is considered **by a duly constituted Departmental Promotion Committee** to be unsuitable for such higher grade or post or on any administrative ground unconnected with his conduct;
- (v) reversion of an employee appointed on probation to any other grade or post, to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing such probation;

* / ** Inserted vide Notification No. Vi . (1)74- dated 13.1.1992
Published in the Gazette of India No.3, part-III,
Section 4 dated 18.1.1992.

- (vi) replacement of the services of an employee whose services had been borrowed from the Central or State Government or an authority under the control of Central or a State Government at the disposal of the Central or a State Government or the authority from which the services of such an employee had been borrowed;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services -
 - (a) of an employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the regulations and orders governing such probation; or
 - (b) of a temporary employee in accordance with regulation 6; or
 - (c) of an employee, employed under an agreement, in accordance with the terms of such agreement.

12. DISCIPLINARY AUTHORITIES -

- (1) The Director General may impose any of the penalties specified in regulation 11 on any employee.
- (2) Without prejudice to the provisions of sub-regulation (1) but subject to the provisions of sub-regulation (3), any of the penalties specified in regulation 11 may be imposed on any employee by the appointing authority or the authority specified in this behalf by a general or special order of the Director General.

(3) Notwithstanding anything contained in this regulation, no penalty specified in clauses (v) to (ix) of regulation 11 shall be imposed by any authority subordinate to the appointing authority.

EXPLANATION - Where an employee holding a post of any class is promoted, whether on probation or temporarily to the post of the next higher class, he shall be deemed for the purpose of this regulation to hold the post of such higher class.

13. AUTHORITY TO INSTITUTE PROCEEDINGS -

(1) The Director General or any other authority empowered by him by general or special order may,

(a) institute disciplinary proceeding against any employee;

(b) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in regulation 11.

(2) A disciplinary authority competent under these regulations to impose any of the penalties specified in clauses (i) to (iv) of regulation 11 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (v) to (ix) of regulation 11 notwithstanding that such disciplinary authority is not competent under these regulations to impose any of latter penalties.

14. PROCEDURE FOR IMPOSING PENALTIES :

No order imposing on an employee any one of the penalties specified in regulation 11, shall be passed except in the manner and after following the procedure laid down in the Third Schedule.

15. PROVISIONS REGARDING OFFICIALS ON DEPUTATION TO CENTRAL GOVERNMENT, STATE GOVERNMENT ETC.

(1) Where the services of an employee are lent by the Corporation to the Central Government Department, State Government or any other authority (hereinafter in this regulation referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such an employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the Corporation (hereinafter in this regulation referred to as "the lending authority") of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against the employee -

(i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 11 should be imposed on the employee, it may, after consultation with the lending authority, make such orders of the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 11 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon, the lending authority may, if it is the disciplinary authority, pass such order thereon as it may deem necessary, or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary :

Provided that before passing any such order the disciplinary authority shall comply with the provisions of paragraphs 3(25) and 3(26) of the Third Schedule.

EXPLANATION : The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with the provisions contained in paragraphs 3(1) to 3(22) of the Third Schedule.

16. PROVISIONS REGARDING OFFICIALS ON DEPUTATION TO THE CORPORATION

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services have been borrowed from the Central Government or a State Government or local authority, the authority lending his service (hereinafter in this regulation referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of suspension of the employee or

of the commencement of the disciplinary proceeding, as the case may be.

(2): In the light of the findings in the disciplinary proceeding conducted against the employee if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 11 should be imposed on him, it may, subject to the provisions contained in paragraph 3(25) of the Third Schedule to these regulations, after consultation with the lending authority pass such orders on the case as it may deem necessary :

- (i) Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the employee shall be replaced at the disposal of the lending authority.
- (ii) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 11 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

17. APPEALS :- Notwithstanding anything contained in these Regulations, no appeal shall lie against -

- (i) any order made by the Chairman of the Standing Committee;
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension;

- (iii) any order passed by an inquiring authority in the course of an inquiry under paragraphs 3(1) to 3(22) of the Third Schedule to these Regulations.

18. ORDERS AGAINST WHICH APPEAL LIES :

Subject to the provisions of regulation 17, an employee may prefer an appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under regulation 10;
- (ii) an order imposing any of the penalties specified in regulation 11 whether made by the disciplinary authority or by any appellate or reviewing authority;
- (iii) an order enhancing any penalty, imposed under regulation 11;
- (iv) an order which -
 - (a) denies or varies to his disadvantage, his pay, allowances, pension or other conditions of service as regulated by regulations or by agreement; or
 - (b) interprets to his disadvantage the provisions of any such regulation or agreement;
- (v) an order -
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;

- (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible to him under the regulations;
- (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowances -
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service or from the date of his reduction to a lower grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of dismissal, removal, compulsory retirement or reduction to a lower grade, post, time-scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his grade or post shall be treated as a period spent on duty for any purpose.

EXPLANATION - In this regulation -

- (i) The expression 'employee' includes a person who has ceased to be in the service of the Corporation;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

*19. APPELLATE AUTHORITIES :

(1) - An employee of the Corporation, including a person who has ceased to be in the service of the Corporation, may prefer an appeal against all or any of the orders specified in regulation 18 to the authority specified in the Fifth Schedule to this Regulation in the manner as prescribed in Sub-regulations (2) to (5) of this regulation.

(2) Where any order is passed originally imposing any of the penalties specified in regulation 11 or where an order is passed on first appeal from such original order, imposing any of the penalties specified in clauses (i) to (iv) of regulation 11 by an appointing authority subordinate to the Director General or to any other authority specified in this behalf by the Director General, the appeal against such order shall lie to the authority specified in the Fifth Schedule or the other authority so specified, as the case may be.

(3) Notwithstanding anything contained in sub-regulation (2), where an order is passed originally imposing any of the penalties specified in clauses (i) to (iv) of regulation 11 by an authority, subordinate to the appointing authority, the appeal against such order shall, in the first instance,

*Substituted vide Notification No. Vig.9(1)/74 dt.13.1.92

published in Gazette of India No.3(part-III Sec.4) dt 18.1.92

lie to the appointing authority and thereafter, if the penalty has been enhanced by such authority (not being the Director General) under paragraph 3(2) (c) of the Fourth Schedule or regulation 22, to the authority specified in Fifth Schedule or any other authority specified for the purpose by the Director General.

(4) An employee may appeal to the Chairman of the Standing Committee against any order passed originally, imposing any of the penalties specified in regulation 11 by the Director General or against any order passed on first appeal from such original order, by the Director General.

(5) Notwithstanding anything contained in sub-regulation(1) to (4) -

- (i) an appeal against an order in a common proceeding held under paragraph 5 of the Third Schedule shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;
- (ii) Where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

20. SUBMISSION AND CONSIDERATION OF APPEALS -

An appeal under regulations 18 & 19 shall be submitted, entertained and considered in such form and manner in accordance with the procedure laid down in the Fourth Schedule.

21. IMPLEMENTATION OF ORDERS IN APPEALS -

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

*22. REVISION -

(1) Notwithstanding anything contained in these regulations, in the case of an order made under these regulations, the Chairman of the Standing Committee or the Director General may within six months of the date of the order proposed to be revised, call for the records of any inquiry and revise any order made under these regulations and may, -

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed:
or
- (c) pass such other orders as it may deem fit.

*Substituted vide Notification No.Vig.9(1)/74 dated 13.1.1992 published in part-III, Section 4 of the Gazette of India dated 18.1.1992.

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of regulation 11 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under para 3 of the Third Schedule has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Third Schedule, subject to provisions of para 6 of the Third Schedule.

- (2) No proceeding for revision shall be commenced until after, -
- (i) the expiry of the period of limitation for an appeal;
 - or
 - (ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these regulations.

*22-A REVIEW - The Chairman of the Standing Committee may at any time, either on his own motion or otherwise, review any order passed under these regulations, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice.

Introduced vide Notification No. Vig.9(1)/74 dated 13.1.1992,
published in Part-III, Section 4 of the Gazette of India dt.18.1.92

Provided that no order imposing or enhancing any penalty shall be made by the Chairman, Standing Committee unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in regulation 11 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under paragraph 3 of the Third Schedule has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in paragraph 3 of the Third Schedule, subject to the provisions of paragraph 6 of the Third Schedule.

23. CONDUCT OF EMPLOYEES -

Subject to the provisions of these regulations, the employees of the Corporation shall be subject mutatis mutandis to a code of conduct similar to the one prescribed by the Central Government for Central Government servants.

24. OTHER CONDITIONS OF SERVICE -

In respect of all other matters relating to the conditions of service of employees, for which no provision or insufficient provision has been made in these regulations, the rules applicable from time to time to the corresponding category of Central Government servants shall apply, subject to such modifications and variations or exceptions, if any, as the Director General may, with the approval of the Standing Committee, by order from time to time, specify.

EXPLANATION : For the purpose of these regulations, the Director General may, with the approval of the Standing Committee, by order, specify the posts under the Corporation which shall correspond to the posts under the Central Government.

*24-A COMPETENT AUTHORITY FOR APPLICATION
OF CENTRAL GOVERNMENT RULES

For the purpose of application of Central Government rules to the employees of the Corporation under these regulations, the Standing Committee shall be competent authority to exercise all the powers and functions which are vested in the President/Local Government/Ministries or Departments of the Government of India, under the various Central Government Rules.

25. RELAXATIONS IN EXCEPTIONAL CASES

Where the Director General is satisfied that the operation of any regulation or provision in the matter of condition of services of an employee causes undue hardship in any particular case, he may, with the approval of the Standing Committee, by order, dispense with or relax the requirements of that regulation or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

26. OATH OF ALLEGIANCE TO THE CONSTITUTION OF INDIA

Every employee shall be required to take an oath or solemnly affirm his allegiance to the Constitution of India as by law established, at the time of his appointment to the service of the Corporation.

*Inserted vide ESIC Notification No.1(1)-2/62 Estt.I dt 17.7.65 published in the Gazette of India (Part-II, Section IV)dt.28.8.65.

27. DECLARATION TO BE MADE BY EMPLOYEES -

Every employee to whom these regulations apply shall make the following declaration:

"I hereby declare that I have read and understood the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959, and I hereby subscribe and agree to be bound by the said Regulations.

WITNESS

EMPLOYEE

Signature

Name

Name

Nature of appointment

Date

Date of appointment

Occupation

Signature

Address

Date "

*28. SERVICE OF ORDERS, NOTICE ETC. -

Every order, notice and other process made or issued under these Regulations, shall be served in person on the employee concerned or communicated to him by registered post.

*29. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY -

Save as otherwise expressly provided in these Regulations, the authority competent under these Regulations to make any order may for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these Regulations or condone any delay.

¹Inserted vide BEIC Notification No.1(1)-1/56 Estt.I dt 31.1.69 published in the Gazette of India (part-III Section IV)dt.16.8.69

*30. REMOVAL OF DOUBTS -

If any doubt arises as to the interpretation of any of the provisions of these Regulations, the matter shall be referred to the Director General or such other authority as may be specified by the Director General by a general or special order, and the Director General or such authority shall decide the same.

*Inserted vide ESIC Notification No.1(1)-1/66 Estt.I dt.31.1.69 published in the Gazette of India (Part-III Section IV) dt 16.8.6

THE FIRST SCHEDULE
(See Reg.2(g) & 7(1))

(See Reg. 2(g)) Yet to be notified
(updated revision of schedule below subject to approval
and notification).

S.No.	Designation	Scale of pay in Rupees
<u>Group A</u>		
1.	Insurance Commissioner	Rs.5900-200-6700
2.	Medical Commissioner	Rs.5900-200-6700 (plus non-practising allowance and other allowances as admissible to analogous posts in Central Health Service.
3.	Senior Administrative grade. Posts in General duty Medical Officer	-do-
4.	SAG posts in specialist sub-cadre	-do-
5.	Dy. Medical Commissioner/ Medical Superintendent/ Director (Medical) (Selection Grade) nonfunctional	Rs.4500-150-5700 (plus non-practising allowance and other allowances as admissible to analogous posts in Central Health Service.
6.	Specialist Gr. II (selection grade) non-functional.	-do-
7.	Director of Administration	Rs.4500-150-5700.
8.	Actuary	Rs.4100-125-4850-150-5000 (Under Revision)
9.	Deputy Medical Commissioner/Director (Medical) Medical Superintendent	Rs.3700-125-4700-150-5000 Plus non-Practising allowance and other allowances as admissible to analogous posts in Central Health Services.
10.	Specialist Grade-II (Senior Scale)	-do-
11.	Joint Insurance Commissioner/Regional Director Grade.I/ Director (Vigilance)/ Director (Human Resources & Development)/Joint Chief Accounts Officer	Rs.3700-125-4700-150-5000.

S.No.	Designation	Scale of pay in Rupees
12.	Director (MSU)	Rs. 3700-125-4700-150-5000
13.	Regional Director Grade-II/Director (P&D)	Rs. 3000-100-3500-125-5000
14.	Director (Public Relations)	Rs -do-
15.	Administrative Officer/ Deputy Insurance Comm- issioner/Regional Director Grade-III/Deputy Chief Accounts Officer/ Vigilance Officer/Joint Regional Director/Joint Regional Director (Depart- mental Enquiry)	Rs. 3000-100-3500-125-4500.
16.	Deputy Director (System)	Rs. 3000-100-3500-125-4500
17.	Deputy Director (Work Studies)	Rs. 3000-100-3500-125-4500
18.	Deputy Director (Official Language)	Rs. 3000-100-3500-125-4500
19.	Assistant Actuary	Rs. 3000-100-3500-125-4500
20.	Medical Referee	Rs. 3000-100-3500-125-4500
21.	Dental Surgeon	Rs. 2200-75-2800-EB-100-4000 Plus non-Practising allowance and other allowances as admissible to analogous posts in Central Health Service.
22.	Junior Bio-Chemist (para non-medical)	Rs. 2200-75-2800-EB-100-4000 (for non medical man)
23.	Nursing Superintendent	Rs. 2200-75-2800-EB-100-4000
24.	Insurance Medical Officer Grade-II	Rs. 2200-75-2800-EB-100-4000
25.	Dietician	-do-

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S.No.	Designation	Scale of pay in Rupees
26.	Ayurvedic Physician	Rs.2200-75-2800-EB-100-4000 Plus non-practising allowance and other allowances as admissible to analogous posts in Central Health Service.
27.	Deputy Regional Director/Deputy Administrative Officer Assistant Director (Planning & Development) Accounts Officer	Rs.2200-75-2800-100-4000.
28.	Assistant Director (Actuarial)	-do-
29.	Assistant Director (System)	-do-
30.	Assistant Director (Work Study)	-do-
GROUP B		
1.	Assistant Regional Director/Manager Grade-I Section Officer/Deputy Accounts Officer	Rs.2000-60-2300-EB-75-3200 100-3500.
2.	Hindi Officer	-do-
3.	Assistant Engineer	-do-
4.	Private Secretary to Director General	Rs.2000-60-2300-EB-75-3200 100-3500.
5.	Deputy Nursing Superin- tendent	-do-
6.	Assistant Matron/Assis- tant Nursing Superintendent	Rs.2000-60-2300-EB-75-3200.

S.NO.	Designation	Scale of pay in Rupees
Group C		
1.	Insurance Inspector/ Manager Grade-II/ Suprintendent/Audit Inspector	Rs.1640-60-2600-EB-75-2900
2.	Senior Personal Assistant	Rs.1640-60-2600-EB-75-2900
3.	Senior Optometrist/ Refractionists	Rs.1640-60-2600-EB-75-2900
4.	Artist	Rs.1600-50-2300-EB-60-2660
5.	Assitant/Head Clerk Manager Gr-III	Rs.1400-40-1800-EB-50-2300
6.	Care Taker	Rs.1400-40-1800-EB-50-2300
7.	Personal Assistant	Rs.1400-40-1600-50-2300-EB- 60-2600.
8.	Librarian Grade-I	Rs.1400-40-1800-EB-50-2300
9.	Junior Engineer	Rs.1400-40-1800-EB-50-2300
10.	UDC Teller/UDC-in-charge/ Laundry Supervisor	Rs.1400-40-1800-EB-50-2300
11.	Nurse 'A' Grade/Staff Nurse/Male nurse	Rs.1400-40-1600-50-2300-EB- 60-2600.
12.	Selection Grade Health Visitor	Rs.1400-40-1800-EB-50-2300
13.	Seniro E.C.G. Technician	Rs.1400-40-1800-EB-50-2300
14.	Cheif Pharmacist	Rs.1400-40-1600-50-2300-EB-60- 2600.
15.	Radiographer/X-Ray Technician	Rs.1400-40-1800-EB-50-2300
16.	Physiothrapist	Rs.1400-40-1800-EB-50-2300
17.	Occupational Therapist	Rs.1400-40-1800-EB-50-2300
18.	Ayurvedic Pharmacist	Rs.1350-30-1440-40-1800-EB- 50-2200
19.	Optometrist/Refractionist	Rs.1350-30-1440-40-1800-EB- 50-2200
20.	Pharmacist	Rs.1350-30-1440-40-1800-EB- 50-2200.
21.	Store Keeper/Pharmacist cum-clerk (Store)	Rs.1350-30-1440-40-1800-EB- 50-2200.
22.	Laboratory Technician	Rs.1320-30-1560-EB-40-2040.
23.	Plaster Technician	Rs.1220-30-1560-EB-40-2040.

S.No.	Designation	Scale of pay in Rupees
24.	UDC(Upper Division Clerk)	Rs.1200-30-1560-EB-40-2040
25.	UDC Cashier	Rs.1200-30-1560-EB-40-2040 Plus Rs.125/- per month as a special pay.
26.	Stenographer	Rs.1200-30-1560-EB-40-2040
27.	O.T. Technician	Rs.1200-30-1560-EB-40-2040
28.	Medical Record Technician(Senior)	Rs.1200-30-1560-EB-40-2040
29.	Special Guide	Rs.1200-30-1560-EB-40-2040
30.	Lady Health Visitor	Rs.1200-30-1560-EB-40-2040
31.	Boiler Attendent	Rs.1200-30-1440-EB-30-1800
32.	E.C.G. Technician	Rs.1200-30-1440-EB-30-1800
33.	Metal Worker	Rs.1150-25-1500
34.	Selection Grade Staff Car Driver	Rs.1150-25-1500
35.	Laboratory Assistant	Rs.975-25-1150-EB-30-1540
36.	Nurse 'B' Grade	Rs.975-25-1150-EB-30-1540
37.	Auxiliary Nurse/ Mid-wife	Rs.975-25-1150-EB-30-1540
38.	Plaster Assistant	Rs.975-25-1150-EB-30-1540
39.	Registrar	Rs.2400 (Ist year) Rs.2475 (IInd Year) Rs.2550 (III year)
40.	House Surgeon, House Physician	Rs.275 (fixed)
41.	LDC/Computer Operator/ Telephone, Telex - operator	Rs.950-20-1150-EB-25-1500- with special pay of Rs.40 per month to computer/telex Telephone Operator.
42.	Staff Car Driver/ Ambulance Driver	Rs.950-20-1150-EB-25-1500.
43.	Senior Gestetner Operator	Rs.950-20-1150-EB-25-1500
44.	Medical Record Technician(Junior)	Rs.950-20-1150-EB-25-1500
45.	C.S.R.Assistant	Rs.950-20-1150-EB-25-1500
46.	Operation Theater, Assistant	Rs.950-20-1150-EB-25-1500
47.	Dark Room Assistant	Rs.950-20-1150-EB-25-1500
48.	Linen Mistress	Rs.950-20-1150-EB-25-1500

S.No.	Designation	Scale of pay in Rupees
<u>Group 'C'</u>		
49.	Lift Operator	Rs.950-20-1150-EB-25-1500
<u>Group 'D'</u>		
1.	Selection Grade Dresser	Rs.825-15-900-EB-20-1200
2.	Three Wheeler Scooter Driver	Rs.825-15-900-EB-20-1200
3.	Record Sorter	Rs.800-15-1010-EB-20-1150
4.	Junior Gestetner Operator	-do-
5.	Dresser/Dai	-do-
6.	Head Cook	Rs.800-15-1010-EB-20-1150
7.	Laundry Operator	Rs.800-15-1010-EB-20-1150
8.	Record Sorter/Jamadar	Rs.775-12-871-EB-14-1025
9.	Armed Gaurd	Rs.750-12-870-EB-14-940 plus Rs.10 -Gum carrying allowance.
10.	Ambulance Attendent	Rs.750-12-870-EB-14-940
11.	Chowkidar	-do-
12.	Farash	-do-
13.	Peon	-do-
14.	Mali	-do-
15.	Sufaiwala	-do-
16.	Aya	-do-
17.	Nursing Orderly/Stretcher Bearer/Attendent	-do-
18.	Cook-Cum-Masalehi	-do-

THE SECOND SCHEDULE
(see Regulation 7(2))

The conditions of service of employees in the matter of leave, gratuity, provident fund and age of retirement shall be as specified against the relevant entry below :

- Leave : *The Central Civil Services (Leave) Rules, 1972 as may be applicable to the corresponding category of Central Government servants from time to time.
- Gratuity : As may be laid down by the Corporation with the approval of the Central Government.
- Provident Fund : Employees' State Insurance Corporation (Provident Fund) Regulations, 1951.
- Age of Retirement : **As may be prescribed from time to time, by the Central Government in respect of corresponding category of Central Government servants in Rule 56 of the Fundamental Rules.

*Modified vide Notification No.1(1)-1/72 Estt.I dated 22.7.74 published in the Gazette of India No.34, dated 24.8.1974

** Modified vide ESI Notification No.1(1)-1/72 Estt.I dated 9.7.1976 published in the Gazette of India No.31 dated 31.7.1976.

THIRD SCHEDULE
(see Regulation -14)

1. PROCEDURE OF IMPOSING MINOR PENALTIES -

Subject to the provisions of sub-paragraph (25) of paragraph 3 of this Schedule, no order imposing on an employee any of the penalties specified in clauses (1) to (iv) of regulation 11 shall be made except after -

- (a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in sub-paragraphs (2) to (22) of paragraph 3 of this Schedule, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; and
- (d) recording a finding on each imputation of misconduct or misbehaviour.

1-A. Notwithstanding anything contained in clause (b) of paragraph 1 above, if, in a case, it is proposed after considering the representation, if any, made by the employee under clause (a) of that paragraph, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-paragraphs (2) to (22) of paragraph 3 of this Schedule, before making any order imposing on the employee any such penalty.

2. The record of the proceeding in such cases shall include-
- (i) a copy of the intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of imputation of misconduct or misbehaviour delivered to him;
 - (iii) his representation, if any;
 - (iv) the evidence produced during the inquiry;
 - (v) the findings on each imputations of misconduct or misbehaviour; and
 - (vi) the order on the case together with the reasons therefor.

3. PROCEDURE FOR IMPOSING MAJOR PENALTIES -

No order imposing any of the penalties specified in clauses (v) to (ix) of regulation 11 shall be made except after an inquiry held, is as far as may be in the manner hereinafter provided.

(1) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint an authority to inquire into the truth thereof.

EXPLANATION : Where the disciplinary authority itself holds the inquiry, any reference in sub-paragraph (6) to sub-paragraph (19) and in sub-paragraph (21) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(2) Where it is proposed to hold an inquiry against an employee the disciplinary authority shall draw up or cause to be drawn up -

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain -

(a) a statement of all relevant facts including any admission or confession made by the employee;

(b) a list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.

(3) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour

and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

- (4) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint, under sub-paragraph (1) of this paragraph an inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in sub-paragraphs (23) to (26) below.
- (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint under sub-paragraph (1), an inquiring authority for the purpose.
- (c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint an employee of the Corporation or a Government servant or a legal

practitioner to be known as the "Presenting Officer" to present on his behalf the case in support of the articles of charge.

(5) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority -

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any, submitted by the employee;
- (iii) a copy of the statements of witnesses, if any, referred to in sub-paragraph (2);
- (iv) evidence proving the delivery of the documents referred to in sub-paragraph (2) to the employee; and
- (v) a copy of the order appointing the "Presenting Officer".

(6) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour; as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time, not exceeding ten days as the inquiring authority may allow.

✓*(7) The employee may take the assistance of any other employee posted in the same region or sub-region or a neighbouring region or sub-region to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority, is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits.

***(7-A) The employee may also take the assistnace of a retired Corporation employee, who is residing in the same region or a neighbour region, to present the case on his behalf, subject to such conditions as may be specified by the Director General from time to time by general or special order. ✓

(8) If the employee, who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

(9) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

*Substituted vide Notification No.Vig. 2(5)-1/74 dt. 5.7.1977 published in Gazette No.30 dated 23.7.77.

**Inserted vide ESIC Notification No.1(1)-1/72 Estt.I (A); dated 24.4.81 published in Gazette (Part-III, Section-IV) dated 16.5.1981.

✓(10) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the presenting officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may, for the purpose of preparing his defence -

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in Sub-Paragraph(2);

(ii) submit a list of witnesses to be examined on his behalf;

NOTE : If the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-paragraph (2), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Corporation but not mentioned in the list referred to in sub-paragraph (2).

NOTE : The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Corporation.

(11) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition;

Provided that the inquiring authority, may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(12) On receipt of the requisition referred to in subparagraph (11), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

(13) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-

examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

NOTE : New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(15) When the case for the disciplinary authority is closed, the employee shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(16) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf, if he so prefers. The witnesses produced by employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witness for the disciplinary authority.

(17) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(18) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the employee, or permit them to file written briefs of their respective case, if they so desire.

(19) If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this paragraph, the inquiring authority may hold the inquiry ex-parte.

- (20) a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of regulation 11 (but not competent to impose any of the penalties specified in clauses (v) to (ix) of regulation 11), has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of regulation 11 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
- (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witness is necessary in the interest of the justice, recall, examine, cross-examine and re-examine any such witnesses and may impose on the employee such penalty as it may deem fit in accordance with these provisions.

(21) Wherever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

* * * * *

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

- (22) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain :
- (a) the articles of charge and the statement of the imputation of misconduct or misbehaviour;
 - (b) the defence of the employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each article of charge and the reasons therefor.

EXPLANATION : If in the opinion of the inquiring authority the proceedings of the inquiry, establish any article of charge different from the original articles of the charge, it may record its findings on such articles of charge:

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) the inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records for inquiry which shall include :
- (a) the report prepared by it under clause (i);
 - (b) the written statement of defence, if any, submitted by the employee;
 - (c) the oral and documentary evidence produced in the course of the inquiry;
 - (d) written briefs, if any, filed by the Presenting officer or the employee or both during the course of the inquiry; and
 - (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

(23) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions contained in sub-paragraph (1) to (22) above as far as may be.

(24) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any articles of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(25) If the disciplinary authority having regard to its findings on all or any of the article of charge is of the opinion that any of the penalties specified in clauses (i) to (iv)

of regulation 11 should be imposed on the employee, it shall notwithstanding anything contained in paragraphs 1 to 2 of this Schedule make an order imposing such penalty.

*(26) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 11 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

4. COMMUNICATION OF ORDERS -

Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority, and a statement of findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

5. COMMON PROCEEDINGS -

(1) Where two or more employees are concerned in any case, the Director General or any other authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

*Substituted vide Notification No.Vig.8(1)-74 dt. 27.5.1983.

NOTE : If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-regulation (3) of regulation 12, any such order shall specify -

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in regulation 11 which such disciplinary authority shall be competent to impose;
- (iii) whether the procedure laid down in paragraphs 1 to 2 or 3 shall be followed in the proceeding.

5. SPECIAL PROCEDURE IN CERTAIN CASES -

Notwithstanding anything contained in paragraphs 1 to 5 -

- (i) where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Regulations, or
- (iii) where the Director General is satisfied that in the interest of the Corporation, it is not expedient to hold any inquiry in the manner provided in this Schedule,

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit :

*Provided that the employee may be given an opportunity of making representation on the penalty to be imposed before any order is made in the case under clause (i).

@FOURTH SCHEDULE
(see Regulation 20)

1. ✓ PERIOD OF LIMITATION FOR APPEALS -

No appeal shall be entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

2. FORM AND CONTENTS OF APPEAL -

(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, and shall not contain any disrespectful or improper language, and shall be complete in itself.

* Added vide Notification No.Vig.9(1)/74 Dt. 13.1.92 published in part-III, Section 4 of the Gazette of India dt.18.1.1992.

@ Substituted vide ESIC Notification No.1(1)-1/66-Estt.I dated 31.7.69 published in the Gazette of India, Part-III Section - IV dated 16.8.1969.

(3) The authority which made the order appealed against shall, on receipt of copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and / for without waiting any direction from the appellate authority.

3. CONSIDERATION OF APPEAL -

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 10 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Regulation 11 or enhancing any penalty imposed under the said Regulation the appellate authority shall consider:

- (a) whether the procedure laid down in these Regulations and the Third Schedule has been complied with, and if not, whether such non-compliance has resulted in the failure of justice;
- (b) whether the findings of the disciplinary authority are warranted by the evidence on record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate or inadequate or severe; and pass orders -
 - (i) confirming, enhancing, reducing or setting aside the penalty; or

- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case:

*Provided that if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulation 11 and an inquiry under sub-paragraphs (1) to (22) of paragraph 3 of the Third Schedule has not already been held in the case the appellate authority shall, subject to the provisions of paragraph 6 of the Third Schedule, itself hold such an inquiry or direct that such an inquiry be held in accordance with the provisions contained in sub-paragraphs (1) to (22) of paragraph 3 of the Third Schedule and thereafter, on consideration of the proceedings of such an inquiry, make such orders as it may deem fit.

- (iii) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of the Regulation 11 and an inquiry under provisions contained in sub-paragraphs (1) to (22) of paragraph 3 of the Third Schedule has already been held in the case, the appellate authority shall after giving the

* Substituted vide Notification No. Vig, 8(1)-74 dated 27.5.1983

appellant a reasonable opportunity, as far as may be, in accordance with the provision of sub-paragraph (26) of paragraph 3 of the Third Schedule, of making a representation against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and

- (iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of paragraph 1 to 2 of the Third Schedule of the Regulations, of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in Regulation 18, the appellate authority shall consider all the circumstances of the case and, make such orders as it may deem just and equitable.

*THE FIFTH SCHEDULE

(See Regulations 4, 12 & 19)

S.No (1)	Description of Officers/Staff (2)	Appoint- ing Authority (3)	Discip- linary Authority (4)	Extent of powers of Disciplinary Authority (5)	Appellate Authority (6)
1.	Group 'A' and Group 'B' Officers	Director General	Director General	To impose minor/major penalty	Chairman, Standing Committee.
2.	Senior Personal Assistant.	Insurance Commissioner	(1) Insur- ance Comm- issioner	To impose minor/major penalty	Director's General
3.	Insurance Inspector/ Manager Grade II/ Senior Hindi Translator	Insurance Commissioner	(1) Insu- rance Commisio- ner (2) Regional Director/ Administra- tive Officer II/Medical Superinten- dent/Director (Medical) Delhi and NOIDA/ Director, Sub- Regional Office Pune/Joint Regional Direc- tors, Sub-Regio- nal Offices, Nagpur, Madurai and Coimbatore.	To impose minor/major penalty To impose minor penalty	Director General Insurance Commissioner
4.	Junior Hindi Translator/ Personal Assistant (Group 'C')	Director of Admi- nistration	(1) Director of Administration (2) Regional Director/ Administra- tive Officer, II/ Director (Medical) Delhi/Medical Superintendent/ Director (Medical) NOIDA/Director, Sub-Regional Office, Pune/Joint Regional Directors Sub-Regional Offices Nagpur, Madurai and Coimbatore.	To impose minor/major penalty. To impose minor penalty	Insurance Commissioner Director of Adminis- tration.

*Added vide Notification No. Vig. 9(1)/74 dt. 13.1.92 published in Part-III
Section 4 of the Gazette of India dated 18.1.1992.

(1)	(2)	(3)	(4)	(5)	(6)
5.	All the remaining Group 'C' and Group 'D' Staff.	I. In all the regions, except sub-regions in Maharashtra and Tamilnadu: Regional Director/Administrative Officer-II/Director (Medical)Delhi/Medical Suprintendents/Director (Medical)NOIDA.	Regional Director/Administrative Officer-II/Director (Medical)Delhi/Medical Superintendents/Director (Medical)NOIDA	To impose minor/major penalty	Director Administration.
		II. In the sub-regions of Maharashtra and Tamilnadu :	(i) Regional Director Maharashtra/Tamilnadu.	To impose minor/major penalty	Director of Administration.
		Regional Director, Maharashtra/Tamilnadu.	(ii) Director, Sub-Regional Office, Pune, Joint Regional Directors, Sub-Regional Offices, Nagpur, Madurai and Coimbatore.	To impose minor penalty	Regional Director Maharashtra/Tamilnadu.

NOTE : The term 'Insurance Inspector/Manager Grade-II' shall include all other posts like Office Superintendent/Insurance Inspector (Legal) etc. in the same cadre.

SAVINGS

(1) The substitution of Regulations 10 to 22 and the Third and Fourth Schedules by these Regulations shall not affect the previous operation of the said Regulations and Schedules or of any notification or any order made, or anything done, or any action taken thereunder : and any proceedings under the said Regulations and Schedules pending at the commencement of these Regulations shall be continued and disposed of, as far as may be, in accordance with the Regulations and Schedules as now substituted as if such proceedings were taken under the Regulations and Schedules so substituted.

(2) Nothing in the Regulations as now substituted shall be construed as depriving any employee, to whom the provisions of the said Regulations apply of any right of appeal which had accrued to him before the commencement of these Regulations.

(3) An appeal pending at the commencement of these Regulations against an order made before such commencement shall be disposed of in accordance with the provisions of the Regulations as now substituted, as if such order were made and the appeal were preferred under the said Regulations as so substituted.

(4) As from the commencement of these Regulations, any appeal or application for review against any orders made before such commencement shall be preferred or made under the said Regulations as amended by these Regulations.

Provided that nothing in the said Regulations as so amended shall be construed as reducing any period of limitation for any appeal or review provided by any Regulation in force before the commencement of these Regulations.

Inserted vide ESIC Notification No. 1(1)-1/66-Estt.1 dt. 31.7.66 published in the Gazette of India, Part-III Section-IV dt 16.C.

OPTION FORM

Having fully understood the comparative advantages and disadvantages of pensionary and Contributory Provident Fund benefits as applicable in my case.

(i) I opt for the pensionary benefits on the terms and conditions laid down in regulation 8 of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959 as amended provide notification No. dated published in the Gazette of India of the

(ii) I opt to continue under the Contributory Provident Fund benefits under the Employees' State Insurance Corporation (Provident Funds) Regulations, 1951.

Witness :

Signature

Signature

Name in full Date
(in Block Letters)

Designation Name in full
(in Block Letters)

Office Designation
Office

Note : Strike out item (i) or (ii) which does not apply to you according to your option.

C E R T I F I C A T E

(Applicable only in case of Class IV and illiterate employees and to be signed by an Officer of the Employees' State Insurance Corporation in a scale the maximum of which shall not be less than Rs.3500/-p.m)

The rules were explained to Shri
in my presence.

Signature

Name
(In Block Letters)

Designation

A C K N O W L E D G E M E N T

Received from Shri
Designation Office
an option dated

- (1) for the pensionary benefits
- (2) for the Contributory Provident Fund Benefits.

Signature

Designation