

## MINUTES OF THE MEETING HELD ON 24.06.2024 BY THE COMMITTEE MADE FOR REVIEW COURT CASES RELATED TO HR ISSUES AND REDUCTION OF LITIGATION, IN THIS AREA

A meeting was held on 24.06.2024 in the chamber of Insurance Commissioner (Legal) by the committee made for review of reduction of litigation, wherein the following committee members were present: -

- Insurance Commissioner (Legal)
- Medical Commissioner (Medical Administration)
- Insurance Commissioner (P&A)

The following points were recommended by the Committee members:

1. **Legal Advisor**- The Committee recommended that a legal advisor, may be appointed in Headquarters -
  - a. For assisting the branches in preparation of reply/PWC/counter affidavit
  - b. For providing his inputs on queries raised by the branch related to legal matter
  - c. For review of the legal issues relating to HR policies and other policies
2. **Appeals in service matters**- As mentioned in Legal Framework Document, no appeal shall normally be filed in cases where
  - a. The matter pertains to an individual grievance without any major repercussion, implicative on the organization or fellow officials of ESIC.
  - b. The matter pertains to a case of pension or retirement benefits without involving any principle and major issues setting any precedent or major financial implications
3. In service matters all the concerned establishment branches should examine the cases pending in various legal forums with a view to find out cases having same question of law with a view to club the cases for faster disposal of maximum number of cases. If judgment of any Court of Record (High Court and Supreme Court) is accepted by the concerned cadre controlling authority in any matter which has all India implication then it should be circulated to all the offices across India, for adoption.
4. Efforts should be made to post officers having legal background in Legal branch, Medical Administration branch and E-1 branch (P&A) to deal with the Legal matters.
5. All Regional Directors/ Deputy Director (I/c)/ Medical Superintendent/ Dean should annually review the cases pertaining to service matter pending at their

office and report must be sent to Zonal Medical Commissioner / Zonal Insurance Commissioner.

6. If any policy which has been framed by the headquarters is challenged before any court, those cases should be given high priority and concerned branch in Hqrs must be intimated immediately.
  - a. Regional Director/Medical Superintendent concerned should ensure that reply/PWC to be filed in such cases must be prepared in light of facts of the case and policies instructions issued by the Headquarters and then the same shall be sent to Headquarters for necessary vetting.
  - b. On receipt of such PWC/reply in Headquarter office the branch concerned must also ensure that the reply/PWC is in accordance with the policies framed and also recommend changes, if any required.
7. Policy made by the Headquarters should be vetted by the lawyer / legal advisor, (if appointed) otherwise it should be vetted by empaneled advocate.
8. Empanelment of Advocate must be completed in one month in all ROs/SROs and efforts should be made to empanel those advocates for CAT cases/service matters who are well versed in service matter.
  - a. Performance analysis of the advocate dealing with service matter has to be done regularly and if any advocate loses 3 such cases in a year, Regional Director should put him/her in watch list and if he loses 5 such cases in a year he/she should be removed from the panel or no further cases may be assigned to him/her.
9. There should be special focus on Contempt Cases. Compliance of judgment/order pronounced by any court/tribunal/judicial forum should be done in such cases at the earliest and within time limit, if any, ordered by Court and a proper coordination with Headquarter shall be maintained. The onus will be on the Head of the Division at HQ or Head of the office in field offices concerned, in case any contempt of court case being filed for non-compliance of Court orders.



Dr. Kamlesh Harish

Medical Commissioner (MA)



Pranay Sinha

Insurance Commissioner (P&A)



Ratnesh Kumar Gautam

Insurance Commissioner (Legal)