



**HEADQUARTERS OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD, NEW DELHI
(ISO: 9000-2001 Certified)
Website: <http://esic.nic.in> / www.esic.org.in**

No. T/11/13/SLP/Misc

Dated: 17.03.2010

To

All RDs/JDs (I/c),
RO/SRO,
ESI Corporation

SUB: LONG PENDENCY OF COURT CASES

Sir,

Please refer to communication issued sometime back on filing of appeals involving court cases based on essential parameters like substantial question of law or ramification etc., and not filing appeal just because it has been so opined by the advocate who had handled the cases in Lower Court. Further, while going through various feedback towards long pending court cases, the following has been observed-----

1. Several adjournments taken continuously by the opposite party and sometimes by Corporation lawyer.
2. Counters have not been filed even for a considerable period (even for more than a year) and all this resulting in undue delay and prolonging disposal of the cases.
3. No proper assessment based on performance involving selection of panel /standing counsel and rates etc.
4. No proper monitoring at the lever of Branch Officer and in monthly O & M meeting by JDs (I/c) /RDs.
5. All the above ingredients have led to either cases are kept pending for years together thereby benefiting the opposite party or sending a negative image of the organization as far as qualitative and quantitative conduct of our cases in the courts.

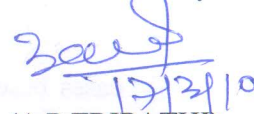
In view of above position, IC has desired that all such cases having long adjournments and where counters have not been filed, immediate necessary action may be taken for getting the cases on board expeditiously besides fixing responsibility for the laxity and even whether any malafide intention existed. He has also desired that proper review may be done at various levels particularly

in monthly O&M meeting and importantly, review of panel of advocates and standing counsel may be made for deletion and addition based solely on performance. To this effect, RDs and JDs (I/c) may discuss the issue by holding a meeting of panel Advocates of the Region and also meet Registrar of High Court and Presiding Officers of various courts making a presentation of ESI Scheme and how pending cases are ultimately affecting delivery of services to IPs and their families.

Action taken on the above may please be incorporated in the monthly DO to IC from April, 2010.

This issues with the approval of IC.

Yours faithfully,



(A.P. TRIPATHI)

JT. DIRECTOR (I/c)

Functioning also Jt. Director (Legal & Revenue Branch) of Hqrs.