MEMORANDUM

Sub: Judgment of the Supreme Court of India in the SLP (C) No. 32701/2010 filed by All India ESIC Employees’ Federation v/s ESIC Corporation & Ors.

Ref: Estt. Branch-III Memorandum of even No. dated 17.02.2011.

References have been received from various regions and cash branch of Hqrs. Office seeking clarification on the methodology to be adopted in the recovery of arrears consequent upon the above mentioned judgment of the Hon’ble Supreme Court of India. The issue has been examined in detail and legal opinion has also been obtained and accordingly it has been decided that the recovery is to be effected in the following manner:

1. The arrears should be recovered in 6 yearly instalments, commencing in the year 2011 and to be completed in 2016.

2. However, to ensure that the recovery if effected annually, does not cause hardship to the employees/pensioners, if the affected individual from whom the recovery is to be effected, submits in writing requesting for recovery to be effected in a monthly/quarterly/bl-annual basis, then the recovery from that individual may be effected on the manner desired by him, however, in respect of all other individuals, the recovery is to be effected in 6 yearly instalments commencing from this year i.e. 2011.

3. In the case of both serving employees and pensioners, if they do not opt for other option as per (2) above, and their monthly salary/pensions is less than the amount to be recovered, then recovery in their case may be effected in more than 1 instalments, with the maximum deducted in the first installment and the remaining in the subsequent month.

4. The recovery of the yearly instalments may be effected from the salary/pension for the month of November of every year, so that in cases of individuals falling under category (3) above, deductions can also be effected from the salaries/pension for the month of December.

The contents of this Memorandum may be brought to the knowledge of all the concerned individuals from whom recovery is to be effected.

This issues with the approval of Additional Commissioner (P&A).

(S.P. PANDEY)
ASSISTANT DIRECTOR

To
All Regional Directors/Directors/Joint Directors (I/C)/ Addl. Commissioner (NTA)/ Dir.(M) Delhi/ Medical Superintendents ESI Hospitals, Basaidarapur/ Jhilmil/ Okhla/Rohini, New Delhi/ Noida/ K.K. Nagar, Chennai/ Joka (Kolkata), All ESIC Model Hospital/ Jt. Director-E-V (Hqrs.)/ SSMC/SMC.

Copy forwarded to:
1. All Dy. Director (Fin.)/ Jt. Director (Fin.), of all Regions.
2. Additional Commissioner (legal) for information.
3. Director (Fin.), Hqrs.
5. Cash Branch, Hqrs. (w.r.t. their ID Note No. Cash-1/1/98(Hon.) dated 05.04.2011.
6. Director (System) with request to upload this Memorandum in the web site of ESIC.
8. Guard File/ Spare copies.