

Policy Guidelines for Strengthening of the National Litigation Committee (NLC)

With a view to reducing avoidable litigation, promoting uniformity in administrative decision-making, ensuring timely implementation of judicial pronouncements and strengthening institutional litigation management, the Competent Authority has approved the following Policy Guidelines for the functioning of the National Litigation Committee (NLC). These guidelines shall be followed by all offices of the Employees' State Insurance Corporation with immediate effect.

1. Short Title and Commencement

These guidelines shall be called the 'Policy Guidelines for Strengthening of the National Litigation Committee (NLC)' and shall come into force with immediate effect.

2. Applicability

These guidelines shall apply to Headquarters, Regional Offices, Sub-Regional Offices, Medical Institutions and all other establishments of ESIC.

3. Objectives

- a) To reduce avoidable litigation before the Central Administrative Tribunal (CAT)
- b) To identify systemic administrative issues resulting in recurring litigation
- c) To ensure uniform interpretation of statutory provisions, rules and administrative instructions
- d) To facilitate timely implementation of judicial orders.
- e) To improve accountability in litigation management

4. Constitution of the NLC

Chairperson: Senior-most Insurance Commissioner at Headquarters.
Members: Insurance Commissioner (P&A), Medical Commissioner (MA), Assistant Commissioner (Vigilance), or officers nominated by the Competent Authority.
External Members: Standing Counsel representing ESIC before CAT and the Young Professional (Legal).

5. Powers and Functions

- a) Review litigation trends and identify recurring causes of litigation.
- b) Call for records, reports and comments from any office.
- c) Prescribe a standard format for presentation of cases.
- d) Recommend administrative resolution of grievances wherever legally permissible.
- e) Overrule decisions taken by Regional Directors/SRO (I/Cs)/Deans/Medical Superintendents in Group 'C' matters where warranted.

- f) Recommend to the Director General review of decisions relating to Group 'A' and 'B' matters found to be inconsistent with extant instructions.
- g) Monitor implementation of recommendations and judicial directions.

6. Meetings

The Committee shall ordinarily meet once every month. The Director General may convene quarterly special review meetings. Minutes shall record decisions, action points, timelines and the officer responsible for compliance.

7. Responsibilities of Administrative Divisions

All concerned offices shall furnish records and comments within the prescribed timelines, implement decisions approved by the Competent Authority and extend full cooperation to the NLC.

8. Digital Litigation Monitoring

The ICT Division shall develop and maintain a Digital Litigation Dashboard under Panchdeep 2.0 under the supervision of the NLC for monitoring litigation trends, compliance and pendency.

9. Interpretation

Any doubt regarding interpretation or implementation of these guidelines shall be referred to Headquarters (Legal Branch), whose decision with the approval of the Director General shall be final.

This issues with the approval of the Director General.

Procedure for Reference of Cases to the National Litigation Committee

1. The National Litigation Committee (NLC) shall ordinarily consider only those matters which are referred through the appropriate administrative authority. No direct representation from individual employees, associations or subordinate offices shall be entertained by the Committee.
2. An application for consideration by the NLC may be initiated where: (i) litigation is apprehended or recurring; (ii) the matter involves recurring legal or policy issues; (iii) conflicting interpretations of rules arise; (iv) Headquarters intervention is necessary to avoid litigation; or (v) the matter is specifically referred by the Competent Authority.
3. Every application shall be forwarded only by the concerned Regional Director, Joint Director In-charge of a Sub-Regional Office, Dean of a Medical Education Institution, Medical Superintendent of an ESIC Hospital or the concerned Divisional Head at Headquarters, as the case may be.
4. Before forwarding the application, the forwarding authority shall ensure that the matter has been examined at the appropriate administrative level, the proposal is complete in all respects, the prescribed proforma has been duly filled, all relevant documents have been enclosed and the appropriate authority has duly forwarded.
5. Every application shall be forwarded to Headquarters (Legal Branch) in the format prescribed in Annexure-I together with the documents specified in Annexure-II. Incomplete references may be returned without being placed before the NLC.
6. Urgent matters may, with the approval of the forwarding authority, be placed before the Chairperson through the Legal Branch.
7. Direct representations from employees shall not be entertained. Where a competent authority considers that an employee's representation raises significant legal, policy or recurring issues, it may forward the matter to the NLC in accordance with these instructions and NLC shall have full authority to condone the delay.
8. References should ordinarily be submitted within 30 days of identification of the issue. Delayed references shall record reasons and NLC shall have full authority to condone delay.
9. The decision/recommendation of the NLC shall be communicated by Headquarters (Legal Branch) to the referring authority for further necessary action after due process.

This issues with the approval of the Director General.

ANNEXURE-I

Standard Format for Reference of Cases to the National Litigation Committee (NLC)

Sl. No.	Particulars	Remarks
1.	Name of the Office.	
2.	Employee(s) concerned: 1. Name 2. Designation 3. Employee ID	
3.	Category of Case (Service Matter / Disciplinary / Seniority / Promotion / Pay / Pension / Others (Specify)	
4.	Whether litigation is apprehended / recurring.	
5.	Brief Facts of the Case (In Chronology along with the administrative action taken and relevant rules/ instructions relied upon)	
6.	Relief sought by employee/applicant.	
7.	Legal opinion obtained (if any).	
8.	Financial implications.	
9.	Administrative implications.	
10.	Specific issues on which decision/recommendation of NLC is sought.	
11.	List of documents enclosed (As per annexure II).	

ANNEXURE-II

Checklist of Documents to accompany the Reference

1. Self-contained note on the case (including facts in brief, applicable rules and instructions and administrative actions/ decisions made.)
2. Copies of relevant orders/ notings.
3. Representation(s) submitted by employee.
4. Opinion of Legal Branch/ Standing Counsel, if obtained.
5. Details of similar cases (if any) and action taken.