



ESIC MEDICAL OFFICERS' ASSOCIATION

MINISTRY OF LABOUR & EMPLOYMENT, GOVT. OF INDIA

Registered Under Trade Union Act (3884/89), Affiliated to (INTUC 9128), Recognized by ESIC Since 1991

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27 AUG 2026

Ref. No. 12/2026

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REPRESENTATION-CUM-REFERENCE BY ESICMOA IN R/O BRIEFCASE/OFFICE BAG/LADIES PURSE REIMBURSEMENT

The Competent Authority
Headquarters (Legal Branch)
Employees' State Insurance Corporation (ESIC)

Reference to the National Litigation Committee in the prescribed Annexure-I format. With a request to examine the matter at the appropriate administrative level and, if considered fit, decide it accordingly.

SUBJECT

Reconsideration of denial/non-admissibility of Briefcase/Office Bag Reimbursement to an ESIC Medical Officer; application of the Pay-Level/equivalent-level principle; Articles 14 and 16 of the Constitution; Section 17(2) of the ESIC Act, 1948; ESIC Staff and Conditions of Service Regulations, 2023; ESIC Circular No. D-16012/3/2022-GEN dated 07.02.2025; relevant Central Government/MoF/DoE instructions; and request for NLC/Headquarters clarification to prevent recurring litigation.

1. INDEX

SL.NO.	PARTICULARS	PAGE NO.
1	Application to NLC from ESICMOA	1 TO 6
2	ESIC Circular No. D-16012/3/2022-GEN dated 07.02.2025. Annexure - I	7 TO 8
3	ESICMOA Representations Annexure -II	9 TO 14
4	ESIC Headquarters Letter to ESICMOA dated 26.12.2025, D-16012/3/2022-GEN; E-4938. Annexure-III	15 TO 15
5	ESIC Headquarters Reminder-I dated 10.04.2026, D-16012/3/2022-GEN; E-4938. Annexure IV	16 TO 16
6	ESICMOA Reply to ESIC Headquarters dated 21.04.2026. Annexure -V	17 TO 18
7	Relevant Ministry of Finance/Department of Expenditure/CGA instructions relied upon. Annexure VI	19 TO 19
8	Relevant EPFO Circular on Briefcase Allowance (SAME MoLE), 2023. Annexure VII	20 TO 21
9	7 TH CPC Report on Briefcase Allowance. Annexure VIII	22 TO 22
10	CAT order dated 18.09.2023 in O.A. No. 688/2022. Annexure IX	23 TO 36
11	Delhi High Court judgment dated 06.08.2024 in W.P.(C) 10816/2024. Annexure X	37 TO 43

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2. PARTICULARS OF THE REPRESENTOR / REPRESENTATIVE CAPACITY.

Name	Dr. Md. Mozaffar Uddin
Designation	Medical Officer, ESIC
Employee ID	111504
Present Office / Institution	ESIC Medical Officer's Association
Representative Capacity	General Secretary, ESICMOA (Recognized by ESIC)

3. PRELIMINARY SUBMISSION – COLLECTIVE REPRESENTATION.

The present representation is a collective policy/legal representation submitted by the General Secretary of ESICMOA on behalf of approximately 2,000 ESIC Medical Officers represented by the Association. It is not an individual reimbursement claim of the Representor. The grievance concerns denial/non-admissibility of Briefcase/Office Bag reimbursement to several Medical Officers. The Association seeks determination of the correct category by reference to the sanctioned post, Pay Level/equivalent level and the governing ESIC/Central Government framework.

4. IMPORTANT ESIC HEADQUARTERS DEVELOPMENT – REMINDER DATED 10.04.2026

ESIC Headquarters, vide D-16012/3/2022-GEN; E-4938 dated 26.12.2025 & 10.04.2026 (REMINDER-1), addressed to the ESIC Medical Officers' Association, referred to representations regarding "Discrimination in Reimbursement of Briefcase Allowance (revised rates)". Headquarters requested supporting documents/circulars from CHS/CGHS and stated that the material received would be examined at Headquarters for active consideration of the representations. It further recorded that a corrigendum/clarification may be issued on the Briefcase Circular dated 07.02.2025 after approval of the Competent Authority, as deemed necessary.

This Headquarters communication is material to the present case. It demonstrates that the interpretation of the 07.02.2025 Briefcase Circular and the allegation of discrimination were already under active Headquarters consideration. Therefore, a collective issue should not be finally rejected without considering the pending policy clarification; particularly where the same interpretation may affect similarly situated ESIC Medical Officers.

5. LIST OF DATES AND EVENTS.

DATE	EVENT
07.02.2025	ESIC issued Circular No. D-16012/3/2022-GEN revising the monetary ceiling for purchase/reimbursement of Briefcase/Office Bag/Ladies Bag.
12.03.2025	ESICMOA (ESIC MEDICAL OFFICERS ASSOCIATION) represent regarding discrimination

	in briefcase allowance circular dated 07.02.2025.
21.05.2025 25.07.2025 03.10.2025 30.10.2025 [All Reminder]	ESICMOA (ESIC MEDICAL OFFICERS ASSOCIATION) represent with All Reminder regarding discrimination in briefcase allowance circular dated 07.02.2025.
26.12.2025	ESIC Headquarters issued letter seeking supporting CHS/CGHS documents and stating that the representations concerning discrimination in Briefcase Allowance would be examined at Headquarters; it also contemplated a corrigendum/clarification to the 07.02.2025 circular after approval of the Competent Authority.
10.04.2026	ESIC Headquarters issued Reminder-I seeking supporting CHS/CGHS documents and stating that the representations concerning discrimination in Briefcase Allowance would be examined at Headquarters; it also contemplated a corrigendum/clarification to the 07.02.2025 circular after approval of the Competent Authority.
21.04.2026	Reply submitted by ESICMOA to HQ in R/O Clarification dated 10.04.2026.

6. ESIC CIRCULAR DATED 07.02.2025 REGARDING BRIEFCASE ALLOWANCE.

The ESIC circular records revised ceilings for specified officers/officials. It places SMO (RO/SRO) and Medical Referees (RO/SRO) in the category carrying a revised ceiling of Rs. 5,000, while the next higher category includes specified senior posts with a revised ceiling of Rs. 6,250. The circular also states that entitled officers/officials may claim reimbursement, ordinarily once in three years, and that the revised ceiling operates from the date of issue.

The important issue for the present case is therefore not whether an unlimited reimbursement exists, but whether the Representor's sanctioned post and Pay Level fall within a corresponding eligible category and whether ESIC can lawfully exclude the Medical Officer category merely because the designation is not separately reproduced in the table.

The ESIC circular itself is the primary source for the ESIC-side entitlement framework.

7. STATEMENT OF FACTS.

- The Representor is General Secretary, ESIC Medical Officer Association, holding sanctioned Pay Level 11.
- Affected Medical Officers purchased a Briefcase/Office Bag/Ladies Purse and submitted a reimbursement claim in accordance with the applicable conditions.
- The claim was rejected/non-processed by ESIC on the ground stated in the impugned order.

- The Association submits that the entitlement must be determined by applying the statutory framework under Section 17(2) of the ESI Act, the ESIC service regulations, the applicable ESIC Briefcase Circular and the corresponding Central Government financial instructions.
- The Headquarters Letter / Reminder dated 26.12.2025/10.04.2026 shows that the broader issue of discrimination in Briefcase Allowance reimbursement and possible clarification/corrigendum of the 07.02.2025 circular was already under active consideration.
- The issue is therefore recurring/systemic and suitable for central clarification so that similarly situated Medical Officers are not required to pursue separate proceedings.

8. STATEMENT OF LEGAL GROUNDS.

A. Section 17(2) of the ESI Act, 1948: Section 17(2)(a) provides that salary, allowances and other conditions of service of ESIC staff are to be specified in the ESIC regulations in accordance with the rules and orders applicable to Central Government officers/employees drawing corresponding scales of pay. Where ESIC considers a departure necessary, the provision requires prior approval of the Central Government. Section 17(2)(b) further directs that corresponding scales of pay be determined with regard to educational qualifications, method of recruitment, duties and responsibilities, with reference to the Central Government in case of doubt.

B. Pay Level/equivalent level is legally relevant: Where the Central Government financial instruction uses Level/equivalent-Level categories, ESIC should identify the Representor's sanctioned Pay Level and corresponding category before rejecting the claim. Designation alone should not be treated as conclusive without examining the statutory method of determining corresponding scales.

C. ESIC Regulations, 2023: The ESIC Staff and Conditions of Service Regulations, 2023 provide the service/pay structure for ESIC posts. The Representor's exact sanctioned Pay Level must be taken from the service record and matched with the applicable Briefcase category.

D. Article 14 – non-arbitrariness and rational classification: Article 14 requires State action to be non-arbitrary. If similarly situated officers at corresponding levels receive the benefit while Medical Officers are excluded solely because their designation is not separately named, ESIC must identify an **intelligible differentia having a rational nexus** with the object of the reimbursement scheme.

E. Article 16 – equality in public employment: Article 16(1) supports equality of treatment in matters connected with public employment. The Representor seeks uniform and legally authorised application of service benefits to similarly situated employees, subject to legitimate distinctions based on duties, responsibilities, Pay Level and the governing rules.

F. ESIC Headquarters Reminder dated 10.04.2026: The HQ Reminder expressly refers to "Discrimination in Reimbursement of Briefcase Allowance (revised rates)" and states that the representations would be examined at Headquarters. It also contemplates a corrigendum/clarification to the 07.02.2025 circular after Competent Authority approval. This is a strong administrative reason for reconsidering the collective issue pending central clarification.

G. CAT/Delhi High Court precedent involving ESIC Medical Officers: In O.A. No. 688/2022, CAT considered ESIC's restriction of a Central Government reimbursement benefit to Medical Officers working on administrative posts. The Delhi High Court, in W.P.(C) 10816/2024 decided on 06.08.2024, upheld the CAT order. The Court noted that the Central Government OM did not distinguish between medical and non-medical officers or between administrative and medical duties for that reimbursement. This precedent is relevant to the statutory interpretation of Section 17(2), although the present claim concerns Briefcase reimbursement rather than telephone reimbursement.

H. 28.04.2026 Delhi High Court order: The Delhi High Court's order dated 28.04.2026 records that ESIC subsequently issued a compliance circular extending the telephone reimbursement benefit to eligible Medical Officers on administrative as well as **non-administrative posts**. The order therefore reinforces the importance of implementing judicially settled interpretations consistently.

I. Supreme Court principles: *Randhir Singh v. Union of India*, (1982) 1 SCC 618; *D.S. Nakara v. Union of India*, (1983) 1 SCC 305; and *State of Punjab v. Jagjit Singh*, (2017) 1 SCC 148 may be relied upon for the general principles of non-arbitrariness, rational classification and equality in service benefits. These cases should be used as supporting constitutional principles, not as a substitute for proving the specific statutory entitlement.

J. Recurring litigation/NLC jurisdiction: The ESIC NLC Policy identifies recurring legal or policy issues, conflicting interpretations and matters requiring Headquarters intervention as appropriate subjects for NLC reference.

9. APPLICATION OF THE LAW TO THE IMPUGNED REJECTION.

- Identify the sanctioned Pay Level/equivalent level applicable to the Medical Officer category represented by ESICMOA as on the date of the claim.
- Identify the exact clause/paragraph of the rejection order relied upon by ESIC.
- Determine whether the 07.02.2025 ESIC Circular expressly excludes Medical Officers or merely does not separately mention the words "Medical Officer" or an equivalent category.
- Identify the corresponding Central Government Level/Equivalent-Level category and the applicable ceiling.
- Examine whether ESIC's interpretation constitutes a departure from the corresponding Central Government rules/orders and, if so, identify the statutory basis and prior Central Government approval relied upon.
- Consider the Headquarters letter/Reminder dated 26.12.2025/10.04.2026 and the contemplated corrigendum/clarification before finally rejecting the claim.
- Apply the same interpretation to similarly situated ESIC Medical Officers to avoid inconsistent administrative decisions and recurring litigation.

10. NLC ANNEXURE-I – PROPOSED REFERENCE FORMAT

PARTICULAR	PROPOSED DETAILS
1. Name of Office	ESIC Medical Officers Association
2. Employee concerned	Dr. Md. Mozaffar Uddin, Medical Officer, Employee ID 111504
3. Category of case	Service Matter / Pay & Allowance / Other – Briefcase/Office Bag Reimbursement.
4. Litigation apprehended/recurring	Yes, recurring policy/interpretation issue; Headquarters already considering representations regarding discrimination in Briefcase Allowance .
5. Brief facts and administrative action	Multiple claims submitted by affected ESIC Medical Officers Association several rejected/non-processed; HQ letter/Reminder dated 26.12.2025/10.04.2026 records active consideration of the broader issue.

6. Relief sought	Reconsideration/allowance of admissible Briefcase reimbursement and uniform clarification for similarly situated Medical Officers.
7. Legal opinion	To be obtained from ESIC Legal Branch/Standing Counsel, if required.
8. Financial implications	To be assessed for affected All Medical Officers; aggregate implication to be assessed for similarly situated Medical Officers.
9. Administrative implications	Uniform policy clarification may reduce recurring representations and litigation.
10. Specific issues for NLC	Whether Medical Officers are entitled by Pay Level/equivalent Level under the ESIC/Central Government framework; whether designation-only exclusion is sustainable; and what uniform clarification should issue under the 07.02.2025 circular.
11. Documents enclosed	As listed below.

11. AUTHORITIES RELIED UPON.

- Employees' State Insurance Act, 1948 – Section 17(2)(a) and (b).
- Constitution of India – Articles 14 and 16.
- ESIC Staff and Conditions of Service Regulations, 2023 – relevant Pay-Level/service provisions.
- ESIC Circular No. D-16012/3/2022-GEN dated 7.02.2025 – Briefcase/Office Bag/Ladies Bag reimbursement.
- ESIC Headquarters Reminder-1 dated 10.04.2026 – D-16012/3/2022-GEN; E-4938.
- ESIC Medical Officers Association v. ESIC & Ors., CAT Principal Bench, O.A. No. 688/2022, decided 18.09.2023.
- Employees State Insurance Corporation v. ESIC Medical Officers Association (Regd.) through its Secretary Dr. Md. Mozaffar Uddin & Ors., W.P.(C) 10816/2024, Delhi High Court, decided 06.08.2024, 2024: DHC: 5925-DB.
- Employees State Insurance Corporation v. ESIC Medical Officers Association (Regd.) & Ors., CM APPL. 23409/2026 in W.P.(C) 10816/2024, Delhi High Court, decided 28.04.2026, 2026 DHC 3553-DB.
- Randhir Singh v. Union of India, (1982) 1 SCC 618.
- D.S. Nakara v. Union of India, (1983) 1 SCC 305.
- State of Punjab v. Jagjit Singh, (2017) 1 SCC 148.

12. PRAYER.

- (a) Call for and examine the complete file relating to the collective Briefcase/Office Bag reimbursement issue affecting All ESIC Medical Officers.
- (b) Reconsider and, set aside/modify the rejection order dated 07.02.2025.

27 AUG 2026

- (c) Determine the Representor's entitlement by reference to the sanctioned post and Pay Level/equivalent level, the ESIC Briefcase Circular dated 07.02.2025, the ESIC Regulations and the applicable Central Government financial instructions.
- (d) Examine the effect of Section 17(2) of the ESI Act, 1948 and identify any Central Government approval relied upon for a departure from corresponding Central Government rules/orders, where such approval is legally required.
- (e) Take into account the ESIC Headquarter letter/Reminder-1 dated 26.12.2025/10.04.2026 and the stated possibility of a corrigendum/clarification to the 07.02.2025 Briefcase Circular.
- (f) Clarify and implement reimbursement for similarly situated Medical Officers at the legally admissible amount, subject to the prescribed ceiling, original bill, three-year condition and other applicable requirements.
- (g) Pending final Headquarters clarification, keep the claim open/reconsidered rather than permanently rejecting it on an interpretation which is itself under Headquarters examination.
- (h) Forward the recurring/systemic issue to Headquarters (Legal Branch) for consideration under the NLC procedure and for an authoritative uniform clarification applicable to similarly situated Medical Officers.
- (i) Pass a reasoned and speaking order communicating the decision to the Representor.
- (j) Grant any other relief considered just, equitable and permissible under the applicable rules.

13. VERIFICATION

I, Dr. Md. Mozaffar-Uddin, Medical Officer, ESIC and General Secretary, ESIC Medical Officers' Association (ESICMOA) state that the factual particulars relating to my designation, Pay Level, purchase of the Briefcase/Office Bag, reimbursement claim and rejection shall be supported by the documents annexed. I further state that the exact wording of the rejection order will be reproduced from the original record before filing.

Place: Patna

Date: 28.08.2026



Dr. Md. Mozaffar Uddin
General Secretary
ESIC Medical Officer Association