

National Commission for Scheduled Tribes

PROCEEDINGS

Sub: Violation of rights of Scheduled Tribes—pending cases of ST employees of Employees Provident Fund Organisation- hearing held on 23.01.2008.

Four pending cases of ST employees of the Employees Provident Fund Organisation were discussed in the hearing at 3:00 PM on 23.01.2008 in National Commission for Scheduled Tribes, New Delhi. The meeting was held in the Chamber of Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. Shri A. Vishwanathan, Central Provident Fund Commissioner, EPFO alongwith Shri N. A. Nair, Regional Provident Fund Commissioner, Shri P. Sudhakar Babu, Additional CPFC & Chief Liaison Officer (SC/ST) and Shri Trilok Chand, Additional CPFC (HR) attended the hearing. Shri Wilfred Lakra, Secretary, National Commission for Scheduled Tribes was also present in the hearing. Shri K.N. Singh, Consultant, Shri R.C. Durga, Director and Shri S.P. Meena, Assistant Director, NCST assisted the Hon'ble Chairperson. Each case was discussed in detail in presence of the concerned petitioner. The petitioners Shri M.L. Rajamallu, Shri Rajesh Kumar Meena and Shri L.R. Meena were heard one by one. Smt. Madhuri Minz could not come to Delhi for attending the hearing. After detailed discussion in each case the following action point emerged.

- (i) Case of Shri M.L. Rajamallu, compulsory retired Enforcement Officer regarding reinstatement in service;

Commission was informed that Shri Rajamallu had received three promotions and last promotion to the post of Enforcement Officer was given in 1992 while next promotion to the post of Assistant Commissioner was due in the year 2000, after rendering 8 years of qualifying service in the feeder post. It was noted with surprise that an officer who was awarded three successive promotions on the basis of successful performance suddenly became inefficient to the extent of awarding punishment of compulsory retirement, just at the time when he was due for next promotion. It was also noted that any adverse remarks, if any, contained in his ACRs was never communicated to Shri M.L. Rajamallu, indicating that there was no adverse remarks in his ACRs for the period prior to the time for due promotion. Besides, notwithstanding any adverse remarks in the ACRs of an officer, such remarks, not communicated to him timely, have no impact at the time of promotion and in the case of Shri M.L. Rajamallu the organisation has gone to the extent of awarding punishment of compulsory retirement.

It was also pointed out that a lady officer who was compulsory retired on ground of grave corruption charges was taken back into service. CPFC informed that the Appellate Authority in the case of the lady officer agreed for reducing the penalty from retirement to reduction increments but in the case of Shri M.L. Rajamallu the Appellate Authority did not recommend for reduction in punishment. Chairperson was critical about the attitude of the Appellate Authority as an officer with charges of grave corruption was retained in service while a Scheduled Tribe Officer was forced to retire from service compulsory on the pretext of inefficiency in performance and ignoring the fact that Shri M.L. Rajamallu was performing well until he became due for next promotion. Commission felt that the whole matter needs review. CPFC assured to review the case and present the whole records relating to ACRs, Performance and the matter relating to compulsory retirement of Shri M.L. Rajamallu before the Commission within 15 days. However, Chairperson agreed to give time upto 15-02-2008 so that CPFC, after going through the records is ready with a solution aimed at providing the requisite relief to Shri M.L. Rajamallu. It was pointed out that Shri M.L. Rajamallu had already crossed the age of superannuation and therefore the best course of action may be to withdraw the order of compulsory retirement of Shri M.L. Rajamallu, as if these orders were not issued.

- (ii) Case of Shri Rajesh Kumar Meena, Section Officer regarding denial of promotion

The Commission was informed that the promotion quota in the post of APFC is filled from the post of SO, PS and Enforcement Officer/ Asstt. Accounts Officer in the ratio of 1:1:32 and reservation is provided while making promotion from each feeder cadre on the basis of a common Post Based Roster. It was also informed that the number of posts in each of the three feeder grade posts is 57, 52 and 1773 respectively. As per RRs the quota for promotion and DR is 50:50. It was clarified that the objective of Post Based Roster is to ensure that the actual reservation for Scheduled Castes, Scheduled Tribes and OBCs does not exceed the prescribed limit but at the same time maintenance of reserved points has to be adhered by replacement of the incumbent of a post by an official of the same category, on creation of vacancy of that post. Once a post on the Post Based Roster is earmarked for ST, the vacancy in that post has to be filled from an officer of the same category who was earlier holding the post. In view of this the post of AC vacated due to death of ST incumbent (Mr. Tigga) who was promoted from the feeder grade of SO should be filled by promotion of a ST Officer from SO. This will not only keep the balance amongst SC, ST and UR and also maintain the ratio in the matter of promotion from the feeder grade posts of PS, SO and EO /AAO. CPFC agreed to review the whole situation and take necessary action in the matter and inform the Commission by 15-02-2008.

- (iii) Case of Smt. Madhuri Minz, SSSA, Jamshedpur regarding harassment by other employees

It was informed that Smt. Madhuri Minz had lodged a complaint that one of her colleague viz; Virender Singh, SSA was harassing and threatening her of dire consequences with the confidence that senior officers of the Regional Office of Employees Provident Fund Organisation would always support him and she could not do any harm to him. Smt. Minz also alleged that time and again Shri Virender Singh has also been abusing her by Caste Name and by using the filthy language including calling her as **Jungli**. At times she was also forced to abstain from office due to bad attitudinal behaviour of Shri Virender Singh and other colleagues. CPFC informed that an enquiry into the complaint had been assigned to the Regional Provident Fund Commissioner of the area in Employees Provident Fund Organisation and the Enquiry Report was awaited. Chairperson desired that the Regional Commissioner may be instructed to examine the complaint from all angles particularly keeping in view the fact that the complainant is a tribal woman and the fact that normally no female officer boldly comes out with a complaint against fellow colleagues and therefore, the situation calls for in-depth enquiry by the Enquiry Officer so that simple and poor tribals particularly women feel comfortable to work in Government Offices and non-ST as well as male employees behave properly with their fellow colleagues, superiors as well as junior employees including tribal women employees.

- (iv) Case of Shri L.R. Meena, Section Supervisor, Regional Office, New Delhi regarding denial of promotion.

Commission was informed that Shri L.R. Meena started his career as LDC in EPFO in June, 1987. He got promotion as UDC in 1990. After completion of 5 years of service as UDC and after qualifying a written examination he could be promoted to the post of Assistant Accounts Officer. However he was promoted to the post of Section Supervisor in February 2000. Here also he is entitled to be appointed as AAO after passing the qualifying examination only. Shri L.R. Meena explained that he has been appearing in the qualifying examination since June 2003 but he was always declared fail in some of the papers and consequently he was not appointed as AAO. He alleged that many other employees who had obtained less total number of marks than the marks obtained by him had been promoted by giving relaxation while he has been denied appointment by disallowing relaxation. CPFC informed that under the scheme of conversion from Section Supervisor to Assistant Accounts Officer one must qualify in each of the 5 papers with minimum of 35 marks in each paper, but relaxation has been given to the extent of 7

marks in each paper. It was confirmed that if a candidate needs 7 marks in each of the 5 papers, he/she was considered for promotion/ appointment to the post of Assistant Accounts Officer and a few such candidates have also been given such appointments.

As the matter is pending for more than 3 and half years and the request seem to be acceptable in the light of the Govt.'s instructions dated 03.10.2000 issued by DoPT. It is recommended that the case of Shri Meena may please be decided favorably to fill up the backlog vacancies in the ST category in examination quota for Enforcement Officer/ AAO without further delay.

Commission noted with surprise that a Scheduled Tribe employee who has received promotion on the basis of his performance in the past and after making a number of attempts to pass the qualifying examination achieves more than 40 marks in 4 papers (not requiring any relaxation) is denied promotion/appointment because he needed relaxation more than 7 marks in one paper. It means an employee who is below average in all the subject papers is fit to be promoted but Shri Meena (ST Employee) who has shown appreciable performance in at least 4 paper is denied of the opportunity. In fact Shri Meena needed a total relaxation of 18 marks only against those who were appointed by granting relaxation of 35 marks in the total. Hon'ble Chairperson, National Commission for Scheduled Tribes expressed displeasure at the modus operandi of the organisation to reject the poor ST employees from being promoted/ appointed to the posts of higher pay and higher responsibilities. Shri L.R. Meena, who is certainly a much better candidate should be appointed to the post of Assistant Accounts Officer by allowing relaxation of 18 marks against total relaxation of 35 marks. Hon'ble Chairperson also called for a review of the policy relating to the selection through qualifying examination. As directed by Hon'ble Chairperson, NCST, CPFC agreed to send a copy of the promotion policy alongwith the details of performance by each candidate in the last qualifying examination and the examination held in June 2003 for the post of Assistant Accounts Officer and the details of relaxations granted to ST/SC/other employees before granting promotion / appointment to the post of EO/ AAO. Detailed information about 3 SC and 2 ST candidates stated to have been appointed on the basis of the qualifying examination may also be furnished to the Commission. The marks obtaining by Shri Meena in the previous three years can also required to be sent to this Commission. It was agreed that action would be taken on the above lines and detailed requisite information will be furnished by 15-02-2008.