

**Proceedings of the hearing held in the Conference Room in the
Commission on 11-09-2008 at 3.00pm to discuss the grievances of some of
the employees working in Air India.**

The following were present :

NCST

1. Shri Tsering Samphel, Hon'ble Member (in Chair)
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director
4. Shri K.N. Singh, PS to Chairperson

AIR INDIA

1. Shri Raghu Menon, CMD
2. Shri Anup K. Srivastava, Director (P)
3. Shri Sunil Kishan, MD, AASL
4. Mrs. Deepa Mahajan, GM(P)

ISSUES

- (i) Promotion of Shri D.R. Lama, Manager (Commercial) with retrospective date by giving him the benefit of Protection Clause available to SC/ST officers within Group-A.
- (ii) Petition of Shri S.P. Silan, Security Assistant (Employee No.-369284), Delhi, Northern Region, IGI-I Airport, Delhi for cancellation of his transfer from Delhi to Khajraho (MP) on the grounds of illness of his wife undergoing treatment at AIIMS, New Delhi.
- (iii) Petition of Smt. Jasmine Tirkey, ex-Cabin Crew, Alliance Air for renewal of her contract employment in Air India.
- (iv) Petition of Shri Rabat Pal, Senior Manager Flight Engineer, Air India regarding (a) denial of promotion (b) payment of charges (Rs.2.9 lakhs) for extra flying hours at IGRUA by Air India and (c) favourable consideration of his request by Air India for Hobby Flying.
- (v) Petition of Smt. Shashi Devi Meena, w/o Shri V.K. Meena, Sr. Security Assistant, Air India regarding harassment of her husband by DGM (Security) on account of his request for giving General Shift duties due to his high BP and Sugar.

1. Shri D.R. Lama, Manager (Commercial)

1.1 Shri Lama represented to the Commission regarding his promotion as Manager (Commercial) from back date i.e. 2005 by giving him the benefit of Protection Clause available to the SC/ST officials for the purpose of promotion within Group A. He stated that he had been promoted only w.e.f. 05-04-2007.

The Commission took up the matter with the Air India who informed the Commission that Shri Lama was not found suitable for promotion as Manager (Commercial) in 2005 as he did not meet the prescribed benchmark taking into account the overall marks awarded to him on the basis of assessment of his APRs/ACRs and interview.

1.2 A discussion was held in the Commission with GM (Pers.) Air India by Secretary, NCST on 08-02-2008. It was pointed out by the Commission that Shri Lama should have been promoted in 2005 by extending him the benefit of Protection Clause available to SC/ST officials in the matter of their promotion within Group-A. The Commission stated that the existing instructions regarding Protection Clause issued by DoPT issued vide their OM dated 29-01-2004 provide that in promotions by selection to posts within Group-A carrying an ultimate salary of Rs. 18,300/-, the SC/ST officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. The limit of the ultimate salary for the purpose of getting the benefit of Protection Clause for SC/ST officers in promotion within Group A in the matter of Public Sector enterprises was raised from Rs. 9100 to Rs. 20,800 with effect from 01-01-1996.

1.3 During the course of discussion it was explained by the Air India officials that for the purposes of promotion to the post of Manager (Commercial), no concessions were being provided to SC/ST officers and, as a consequence thereof, their suitability for promotion to that post was being adjudged alongwith the other general category candidates based on the marks awarded to them on the basis of appraisal of their APRs/ACRs, and interview. The Commission pointed out that Air India's policy in this regard was in violation of the DoPT's above mentioned instructions regarding Protection Clause. It was, however, stated by Air India officials that Air India had framed its own guidelines in the matter of promotion to the post of Manager (Commercial) which do not provide for any concession to SC/ST candidates. It was further stated by them that they were not bound to follow the instructions issued by DoPT in the matter of reservation for SC/ST officials in their recruitment as well as their promotion. The Commission expressed its serious reservations regarding the correctness of the statement of the Air India that the instructions issued by DoPT, which were in the form of guidelines only, were not binding on Air India. The Commission stated that AIR India being a public sector undertaking it could not frame a reservation policy different from the policy laid down by DOPT.

1.4 In view of the position stated in para 1.3 above it was decided by the Commission to make a reference to the Department of Personnel and Training to clarify whether Air India, being a public sector undertaking, was free to formulate its own guidelines in regard to the reservation for SC/ST officials in the matter of their promotion as also direct recruitment at which

might be at variance with the instructions issued by DoPT which is the nodal Department of the Government of India in reservations matters.

2. Shri S.P. Silan, Security Assistant

2.1 Shri Silan represented to the Commission that he had been transferred to Khajuraho in June 2007. He stated that he was getting his wife's treatment in AIIMS and therefore, his transfer to Khajuraho where advanced medical facilities were not available was bound to adversely affect the health of his wife and accordingly he had requested the Air India authorities for cancellation of his transfer order and his retention at New Delhi, the present place of his posting, at least for a period of three months to enable him to have continued treatment of his ailing wife. He stated that after this period, he could be considered for transfer to either Amritsar or Jodhpur or Jaipur where good medical facilities were available. It was also stated by Shri Silan that the office bearers of the Associations are not transferred without their consent and as he was office bearer of the Air India's Employees Association, he should have not been transferred. He further stated that on this ground his transfer outside New Delhi in past was got cancelled with the intervention of the other office bearers.

2.2 The Commission took up the matter with Air India advising them to consider the request of Shri Silan sympathetically. The Commission also requested Air India to keep his transfer and relieving order in abeyance till his petition was discussed by the Commission on 09.09.2008.

2.3 CMD, Air India, during the course of discussions, agreed to re-consider the request of Shri S.P. Silan for cancellation of his transfer order on the basis of the illness of his wife who was presently undergoing treatment at AIIMS and to retain him at New Delhi at least for a period of three months and thereafter, consider his request for transfer to either of the three cities mentioned in para 2.1. Shri S.P. Silan shall give a written request to this effect for consideration of Air India.

2.4 CMD, Air India referred to the Commission's d.o. letter dated 22.08.2008 addressed to him in which it was, inter-alia, stated that the officers belonging to ST category in Air India were being transferred from their present stations of posting merely because they had represented their grievances to the Commission and clarified that this did not represent the correct position as no discriminations of any type were being made by Air India in the matter of transfer of ST officers.

3. Smt. Jasmine Tirkey, ex-Cabin Crew, Alliance Air

3.1 Shri Meer Singh, General Secretary, All India Confederation of SC&ST Organizations represented to the Commission on 17.07.2008 regarding

extension of the Contract Employment of Smt. Jasmine Tirkey. He also enclosed a copy of the representation from Smt. Tirkey in which she had stated that she was appointed as Cabin Crew in Alliance Air for a period of three years from 16.12.1997, which was extended for another two years upto 15.12.2002. She further stated that she was on medical leave from 18.11.2001 to 27.11.2001 and joined her duties on 28.11.2001. She also stated that due her health problem and family circumstances she could not report for duty since March 2002. On 27.03.2003 she received a letter from Alliance Air that due to her long absence from duty, it had been decided not to renew her contract of Employment. She further stated that after her contract was terminated, she met Manager (Pers.) and MD, Alliance Air for renewal of her contract Employment but no concrete action was taken by them on the assurances given to her during these meetings. She stated that on 20.08.2006 Manager(Pers.) told her that the Company was going in losses and it was not possible for them to renew the job contract. Further, on 24.12.2006 she was told by Manager(Pers.) that in case any vacancy arose in the Company, it would be offered to her.

3.2 It was explained by the Air India officials that Smt. Tirkey was on contractual appointment, which had since been terminated because of long absence from duty by her. It was further stated that Alliance Air was not expanding and therefore, there were no vacancies in the Cabin Crew. **The Commission was, however, assured that in case there was any vacancy for Cabin Crew in future. Smt. Tirkey will be considered for that. It was further stated that for any other ground post, Smt. Tirkey was required to apply through proper channel.**

4. Shri Rabate Pal, Sr. Manager Flight Engineer, Air India

4.1 A representation dated 08-04-2008 was received from Shri Meer Singh, General Secretary, All India Confederation of SC/ST Organisations, New Delhi regarding unjustified denial of promotion since 2002 and his harassment and tempering of his seniority, finally leading to termination of CPL training at IGRUA. Shri Pal alleged that due to deficiency on the part of instructors and CPL at IGRUA, proper training was not being given. He further stated that when he made a complaint about this to Indian Airlines, his training was stopped and he was asked to undergo medical checkup. He stated that his 23 hours of flying, out of the total of 25 hours, was done without CPL or solo check which was illegal. He had done two solo flights without any mishap but those who met with accidents were permitted to continue. He further stated that he had requested Indian Airlines for CPL training at some other DGCA approved training centre but permission was denied to him. On the contrary, training hours outside IGRUA by Shri Y.K Chandra and Shri S.K. Jain were included for issue of CPL.

4.2 Shri Pal further alleged that inspite of documented credentials, he was superseded by four of his juniors in his promotion. He stated that although his

career was flawless, his APA grading was kept vindictively low by his superior who had met with an accident during flying.

4.3 It was recalled that the case of Shri Pal was also discussed in the Commission earlier by Hon'ble Member (TS) with Director (Pers), Air India in a hearing held on 4.6.2008. The Commission recommended that:

- (i) The training charges (Rs.2.9 Lakh), incurred at IGRUA in respect of extra flying hours should not be recovered from Shri Pal, as these charges were spent by Govt. for his rehabilitation. Further, there are instructions to provide special training support to SC/ST candidates to promote them to acquire higher levels.
- (ii) Shri Pal should be promoted w.e.f. 2002 by giving him benefit of Protection Clause and he should be placed in other department under rehabilitation scheme at a better position as he has already suffered for the last 6 years for not being promoted.
- (iii) The request of Shri Pal for Hobby Flying may be favourably considered.

4.4 During discussions it was explained by Air India officials that:

- (i) **Charges for extra flying hours had been paid by Air India to IGRUA on behalf of Shri Pal as per the agreement reached between him and IGRUA and therefore, it was not possible for Air India to waive the recovery of Rs. 2.9 lakh incurred at IGRUA for extra flying hours by Shri Pal. Air India advised the Commission to discuss this issue with IGRUA authorities.**
- (ii) **As far as rehabilitation was concerned Air India informed that they were trying to place him as per his status.**
- (iii) **The request of Shri Pal for Hobby Flying had been forwarded with favourable recommendations for approval.**

5. Shri V.K. Meena Sr. Security Assistant

5.1 A representation from Smt. Shashi Devi Meena, w/o of Shri V.K. Meena was received in the Commission alleging torture and harassment to her husband by DGM, Security on account of Shri Meena's request for giving him General shift duties due to his high BP and Sugar.

5.2. The case was taken up with Air India. Air India vide its letter dated 26.3.2008 informed that Shri Meena had failed in the Basic Security Training, not only in Delhi but also in Hyderabad and Mumbai. **As regards giving him General Shift duties it was stated that his request had since been acceded**

to and he had been put on General Shift at Safdarjung Airport since 8.2.2008.

6. After the discussions with Air India officials were over, the Hon'ble Member (TS), as per the practice being adopted by the Commission in hearings, proposed to call the petitioners to hear their grievances in the presence of Air India officials. CMD Air India, however, stated that they had explained their position with respect to grievance of each petitioner and they had also sent written replies with reference to letters received from the Commission and, therefore, it would not be advisable for them to have direct interaction in the meeting with the petitioners. He further stated that as the petitioners were his own employees, he would not like to have direct interaction with them before the Commission with respect to their grievances and he accordingly requested the Hon'ble Member(TS) to inform the petitioners of the discussions held with Air India officials in respect of their cases and to listen to their grievances if they had anything else to say. Hon'ble Member(TS), in view of the statement of CMD, Air India, decided to call in the Conference room only one petitioner namely, Shri Rabat Pal, Senior Manager Flight Engineer who had represented to the Commission about non-redressal of a number of grievances by Air India.

Recommendations

7. **A reference to the Department of Personnel and Training should be made to clarify whether Air India, being a public sector undertaking, was free to formulate its own guidelines in regard to the reservation for SC/ST officials in the matter of their promotion as also direct recruitment at which might be at variance with the instructions issued by DoPT which is the nodal Department of the Government of India in reservations matters.**

8. **CMD, Air India, will re-consider the request of Shri S.P. Silan for cancellation of his transfer order on the basis of the illness of his wife who was presently undergoing treatment at AIIMS and to retain him at New Delhi at least for a period of three months and thereafter, consider his request for transfer to either of the three cities mentioned in para 2.1. Shri S.P. Silan shall give a written request to this effect for consideration of Air India.**

9. **Air India will consider the request of Smt. Tirkey for employment as a Cabin Crew in the event of vacancy falling thereof. For any other ground post, Smt. Tirkey was required to apply through proper channel.**

10. **In the case relating to Shri Rabate Pal, Senior Manager, Flight Engineer :**

- (i) **Shri Pal should be rehabilitated to an alternate post as per his seniority and status.**

- (ii) Director IRGUA and DGCA should be called for discussion regarding the issues raised by Shri Pal regarding CPL training and payment of Rs 2.9 Lakh for extra flying hours by Shri Pal.**

11. The Commission shall be apprised of the action taken by Air India within a period of 15 days.

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