

**Proceedings of the sitting on 09-11-2009 of Hon'ble Vice Chairperson
Shri Maurice Kujur with CMD, HPCL**

A list of officers present in the sitting is at Annexure.

ISSUE

Request from Shri R. B. Meshram for allotment of HP LPG distributorship at Distt. Gadchiroli, Maharashtra, which was allotted to Shri S. B. Dhakate based on the ST certificate of Halba Community (Cancelled by the Caste Scrutiny Committee, Nagpur vide its order dated 21.4.2001)

BACKGROUND

A representation dated 14.05.2008 was received in the Commission from Shri R.B.Meshram regarding allotment of LPG distributorship of HPCL at District Gadchiroli. The HPCL LPG distributorship at Gadchiroli was commissioned on 16.07.1990 in the name of M/s Shree Gas Service of Shri S.B.Dhakate. The distributorship was reserved for ST category and was awarded to Sh.Dhakate based on his ST certificate of Halba community produced for the purpose. Sh.Meshram mentioned that the ST certificate of Sh. Dhakate was cancelled and confiscated by the Caste Scrutiny Committee, Nagpur vide their Order dated 21.04.2001.

Sh.Meshram further stated that as the distributorship was awarded to Sh.Dhakate based on the ST certificate which has now been cancelled by the Caste Scrutiny Committee, Nagpur, the distributorship should be allotted to him.

The matter was taken up with the CMD, HPCL vide this commission's letter dated 27.05.2008. HPCL vide their latter dated 06.06.2008 intimated that the LPG distributorship at Gadchiroli reserved for ST candidate was advertised on 17.09.1984 and panel of three candidates was prepared by interview held on 28.02.1986. Sh.S.B.Dhakate was at No.1 in the panel, Sh.R.B.Meshram was at No.2. and Sh.S.D.Madavi was at No.3. Sh.S.B.Dhakate was appointed a dealer and the distributorship was commissioned on 16.07.1990.

Sh.Madavi challenged the selection of Sh.Dhakate by WP No.3155/1989 in the High Court of Mumbai, Nagpur based on the pending criminal cases and false ST certificate. The petition was dismissed by the Hon'ble Court and the matter was referred to the Caste Scrutiny Committee, Nagpur. The committee stated that Sh.S.B.Dhakate does not belong to Halba, Koshti community vide their order dated 18.10.1996. Sh.Dhakate brought a stay on the operation of committee report and the

matter was referred back to committee vide order dated 16.08.1999. The committee considered the matter afresh and held that Sh.S.B.Dhakate does not belong to ST category vide its order dated 21.04.2001.

It was further stated by HPCL that as per Ministry's guidelines a merit panel is valid only for one year after commissioning of the distributorship. Therefore, the request of Sh.R.B.Meshram cannot be accepted at this stage. In the event of distributorship of Sh.Dhakate it will be re-advertised for appointment of another ST person as distributor. The reply of HPCL as mentioned above was communicated to Sh.Meshram. Sh.Meshram against requested the Commission to ensure that action is taken by HPCL against Sh.Dhakate based on the decision of Caste Scrutiny Committee, Nagpur and the LPG distributorship should be cancelled with immediate effect.

HPCL vide their letter dated 12.10.2009 intimated that as Sh.Dhakate has been given interim relief from the Hon'ble High court of Mumbai, Nagpur by way of restraining HPCL from taking any action in pursuant to decision of Caste Scrutiny Committee, the distributorship of Sh.Dhakate cannot be terminated at this stage.

In view of the above, Sh.Maurice Kujur, Hon'ble Vice Chairperson, National Commission for Scheduled Tribes decided to discuss this matter with CMD, HPCL on 09.11.2009 at 11:30 A.M. in the Commission.

DISCUSSION

It was explained by the HPCL officers that LPG distributorship is allotted/awarded based on the community certificate produced by the applicants. In case of a complaint against the reserved category allottee(s), the certificates are got verified through the District Authorities. In Maharashtra, Caste Scrutiny Committee is entrusted with the verification of caste certificates.

The Commission advised the HPCL that they should expedite the case of Sh.Dhakate for termination of the dealership at the earliest. HPCL officials assured that an application to expedite the case will be filed through their advocate and will be vigorously followed up for judgement of the court for termination of the dealership of Sh. Dhakate.

Commission further advised the HPCL that to avoid recurrence of such cases, the caste certificate of empanelled candidates in reserved categories should be got verified from the caste scrutiny committee / concerned authorities before commissioning of the distributorship.

HPCL officials intimated that under Rajiv Gandhi Gramin LPG Vitran Yojna SC/ST candidates have better chance of allocation of the distributorship as there is no reservation for any category except for SC/ST candidates under this scheme.

The Commission suggested that additional measures should be taken by HPCL for awareness, when the advertisements are published for ST category distributorship in the interior areas by using pamphlets in local language and oral communication to provide wider publicity. HPCL was further requested to provide relevant extract of Vision Document 2015 of Ministry of Petroleum and Natural Gas (MOP&NG) regarding special provisions for weaker sections of the society and Rajiv Gandhi Gramin LPG Vitran Yojna(RGGLVY).

RECOMMENDATION

In view of the discussion, the Commission recommended the following:-

- i) HPCL should expedite the case of Shri Dhakate in the Court for termination of the dealership allotted to him.
- ii) The SC/ST certificates of all the candidates empanelled for dealership should be verified before the commissioning of distributorship.
- iii) Wider publicity of the advertisements of distributorship should be given in the ST reserved areas.
- iv) In the Scheduled Districts, distributorship should be allocated only to ST candidates.
- v) HPCL to provide relevant extract of Vision Document 2015 of MOP&NG regarding special provisions for weaker sections of the society and Rajiv Gandhi Gramin LPG Vitran Yojna(RGGLVY).

ANNEXURE

The following were present in the sitting on 09.11.2009 :

NCST

1. Shri Maurice Kujur, Hon'ble Vice ChairpersonIn Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director
4. Shri K. C. Behera, PS to VC

Hindustan Petroleum Corporation Ltd.

1. Shri G. A. Shirwaikar, Exec. Director- LPG
2. Shri V. S. Misra, Chief Manager