

National Commission for Scheduled Castes

Minutes of the Review Meeting under taken by the National Commission for Scheduled Castes on 25.11.2014 to assess and monitor of implementation of reservation policy for SC in Bharat Sanchar Nigam Limited (BSNL), New Delhi

The National Commission for Scheduled Castes held a Review Meeting to assess the implementation of the reservation policy in BSNL as per the mandate given under Article 338 of the Constitution of India. Prior to holding of the Review meeting, the Commission sought replies from the BSNL on a detailed Questionnaire and after receipt of the requisite information / reply, the full Hon'ble Commission under the Chairmanship of Dr. P.L. Punia, Chairman along with Shri Raju Parmar, Member, and Shri Ishwar Singh, Member, Smt. P.M. Kamamma, Member, NCSC conducted the review meeting on 25.11. 2014 at the headquarter of BSNL Corporate Office, New Delhi . The CMD and other senior office from BSNL attended the meeting.

A list of the participants are at Annexure-I

A: Meeting with the BSNL SC Employees Welfare Association:

The Commission held a meeting with the Office Bearers and Representatives of the BSNL SC Employees Welfare Association. Prior to the meeting, the Commission informed to the Association about the mandate of the Commission and needs of review meeting. Thereafter the Association has submitted memorandum of the grievances relating to non-implementation of reservation policy in BSNL The main issues raised by the Association are as under:-

- Non-implementation of DoPT orders/instruction on 85th Amendment in restoration of seniority of SCs who promoted by virtue of reservation.
- Establishment matter- In SSA Muzaffarnagar (UP West) 17 full time and 21 part time Casual Labourers are working since, 1993 in DOT/BSNL and BSNL is doing payment on monthly basis. During formation of BSNL they have been left to regularize in BSNL despite the facts that sufficient no. of vacancies of Group-D/RM are lying vacant in SSA Muzaffarnagar as on date. However, the BSNL Management did not regularize them. Similarly, in Chennai Telephone Office of BSNL 53 Casual Labourers are working since DOT period and as on date they have not been regularized even Orders of Hon'ble High Court of Madras. The vacancy of Group-D/RM are lying vacant in Chennai Telephones.
- The Hon'ble Supreme Court of India passed the order on 7.5.2013 to regularize the Association Member Shri Ram Kewal, Casual Labour O/o the Deputy General Manager, Telecom (Project), Dehradun (Uttanchal) working since 2001 by giving age

relaxation. But, the BSNL Management did not regularize him despite the facts that 116 posts of regular mazdoor are vacant in Uttrakhand Circle.

- Non-grant of TA/DA facilities to the all SC participants attending for pre-exam coaching classes.
- Non-implementation of Rule of Reservation for filling up of reserved vacancies meant for SCs in appointment and promotion.- As per the BSNL Order dated 31.1.2014 reservation and relaxation is available upto E-5 level i.e. for DE to DGM promotion but BSNL is not implementing the same. Similarly, the rule of reservation is not been applied for JAO to AO, AO to CAO and CAO to DGM (Finance). In AO to CAO out of 138 candidates, only 2 SC candidates have been promoted to the post of CAO.
- Non-grant of relaxation in the qualifying length of service at the time of considering of the promotion of SCs and non-implementation of DoPT OM dated 3.10.2000 with regard to Prescription of lower qualifying marks/lesser standard of evaluation and due to which a large number of reserved vacancies in the cadre of JTOs, SDE and JAO are lying vacant.
- Review of the compassionate ground appointment (CGA)- The BSNL Management is rejecting the genuine case of SC for considering compassionate ground appointment without mentioning any reasons. Moreover, there is no Member belonging to SC category in the High Power Committee for considering the cases of Compassionate Appointment.
- Harassment of SCs in transfer/posting. – The BSNL issued transfer policy vide letter dated 7.5.2008 but, the protection of the interest of SCs have not kept and the SC employees are being posted at far away places in comparison with general category employees.
- Filling up of all backlog vacancies meant for SCs in all cadre. The DoPT vide its O.M. dated 12.10.2007 issued instructions to the CMD, BSNL stating that earnest efforts should be made to fill up all the reserved vacancies in the initial year of recruitment but, large number of backlog vacancies are lying vacant in the cadre of JAO, JTOs etc.
- Deduction of Subscription from Salary of SCs executives, the member of SEWA of BSNL.
- Disposal of grievances and harassment cases of SCs Employees/Office Bearers in BSNL. – (a) harassment case of Shri M.D. Maurya, Circle Secretary, Gujarat Circle, SEWA BSNL, (b) harassment case of Shri Rakesh Kumar JTO (WTR), Mumbai

The issues raised by the Association were discussed at length. The Commission assured the Association to take up these issues with the BSNL Management. Moreover, the Commission has advised the Association Members to submit individual cases to the Commission directly for further action.

B. Meeting with the BSNL Management:

Shri A.N. Rai, Chairman and Managing Director, BSNL. welcomed the Commission and apprised about the activities undertaken by the Corporation including the implementation of the reservation policy in the Corporation. Thereafter, the Hon'ble Chairman, in his opening remarks', apprised the mandate of the Commission and needs of the review.

The Commission first discussed the issues raised by the SC Employee Association of the BSNL one by one and also gave a copy of the Memorandum of demands submitted by the BSNL SC Employees Welfare Association to the BSNL Management for submission of action taken report within one month. The CMD, BSNL assured the Commission that the issues raised by the Association will be considered in positive way and corrective steps will be taken. The action taken report will be submitted in stipulated periods. Thereafter, discussion on the replies to the Questionnaire was held. After detailed discussion on the data/information provided by the BSNL, the Commission made the following recommendations/findings.

1. **Relaxation/concession in appointment of SCs and OBCs as well as promotion of SCs-** The Commission observed that no relaxations in the percentage of marks in written examination in conducting of limited Departmental Competitive Examination (LDCEs) for promotion of SCs were being given and due to this a large number of reserved vacancies are laying vacant. Similarly, the relaxations in appointment to the SCs and OBCs candidates were being given. Due to this a large number of reserved vacancies has been accumulated and no sincere efforts were being taken to fill up these backlog vacancies. The Commission recommended that the BSNL Management should consider to provide relaxations /concessions to the SC and OBCs in appointment and promotion.

The CMD, BSNL. agreed to look into the matter and submission of report within one month.

2. **Maintenance of Roster:** Prior to the holding of review meeting, the reservation rosters for various cadre/posts maintained by the BSNL were called for inspection. The Commission observed that Rosters maintained for various cadre/posts under Direct Recruitment and promotion have not been prepared/maintained as per the DoPT guidelines/instruction. The rosters are not-prepared in running way. There are gaps in between the placement of the incumbents. The placement of the SC incumbents have been made in subsequent recruitment years against the reserved points. This is the violation of DoPT guidelines /instruction on maintenance of rosters. No summery has been prepared after each recruitment made. So it is not clear whether in one recruitment yea there was any shortfall of SC vacancies. The rosters maintained have been prepared from the year 2011 onwards and there is the BSNL did not mention about maintenance of rosters for previous years.

The Commission was of the view that the BSNL Management should follow the DoPT instruction /guidelines on maintenance of the roster. Moreover, the Rosters should have been prepared/maintained after implementation of post based reservation rosters as per the DoPT OM dated 2.7.1997 for all cadre posts in promotion and Direct Recruitment separately. Accordingly, the Commission suggested to the BSNL Management to re-cast all the reservation rosters and prepared /maintained as per the DoPT guidelines. The Liaison Officer for SCs should also regularly inspect /check the reservation rosters. The Commission also advised that the roster should be shown on the website of the BSNL..

The CMD, BSNL agreed to and take necessary action with the submission of action taken report within one month.

3. Representation of SCs and OBCs: The Commission observed that the representation of SCs in all cadre /posts including Executive Cadre and Non-Executive Cadre are below the prescribed percentage of reservation of 15% during the last three years. Further, the BSNL has not given post-wise information indicating the level, pay scale and number of posts along with incumbents in position in Direct Recruitment as well promotion. Similarly, the representation of OBCs in all cadre /posts in Executive Cadre and Non-Executive Cadre was below the prescribed percentage of reservation i.e. 27%. The Commission, therefore, advised to the BSNL Management to maintain the adequate representation of SCs and OBCs in All Cadre Posts and follow the DoPT guidelines.

The CMD, BSNL agreed to and take necessary action with the submission of action taken report within one month.

4. Backlog Vacancies /Shortfall – The Commission observed that as per the information provided under Annexure-2, there were 70 vacancies under TTA cadre, 1885 vacancies of SDE (T) pertaining to the year 2013-14 which were carried forward due to non-filling up of such vacancies from the Scheduled Caste category candidates. Similarly, there were a large number of backlog vacancies meant for SCs in the JTOs cadre. The backlog vacancies /shortfall of the SCs were also available in other cadres /posts. The Commission also noted that due to non-maintenance of the rosters, a large number of reserved vacancies have been accumulated and no sincere efforts were made to fill up all the backlog vacancies. Similarly, the backlog /shortfall of OBC vacancies were not reported by the BSNL. It was also, observed that there were several number of SC vacancies under Direct Recruitment for the post of TTA pertaining to the year 2012. The BSNL did not conduct the Departmental Examination for filling up of these vacancies. Moreover, these reserved vacancies could not be filled up so far even after passing of two years. Similarly, there were unfilled reserved vacancies in the grade of SDE (T) from the year 2008 onwards and these reserved vacancies could not be filled up despite passing of nearly seven years. This is a serious matter. In this regard, there is order from the DoPT that the backlog

vacancies/shortfall of SCs should be filled up. Thus, if prior to 1997, there were backlog /shortfall of SC vacancies, the vacancies should be filled up as backlog by launching of Special Recruitment Drive immediately. It was also observed that the BSNL has not given information about post-wise /cadre-wise sanctioned strength number of SCs and shortfall /backlog position. The Hon'ble Chairman, NCSC expressed its displeasure and took it seriously. Accordingly, the Commission asked the BSNL Management to submit detailed information on backlog of shortfall of SCs vacancies and OBCs vacancies with action plan for filling up of all such vacancies.

The CMD, BSNL agreed to look into the matter and take necessary action with submission of action taken report within one month.

4. **Group D Posts:** As the Association has raised the issue of non-regularization of Casual Labours in BSNL, the Commission taken up this matter. The Commission observed that there were 5000 Scheduled Caste employees in RM cadre and there were non promotional Avenues for these cadres. Most of the, Employees were working as Casual Labour and they were not considered as regular employees. Hence, The Commission recommended that the BSNL Management should consider to regularized all the Casual Labour belonging to SC category as RM cadre and the BSNL should explore the possibilities for further promotions.

The CMD, BSNL agreed to submit the action taken report within one month.

5. **Inadequate representation of SCs in promotion.** -It was observed that the percentage of SCs promoted in various cadre/posts in comparison with the general category candidates promoted was below the prescribed percentage of reservation. In the case of cadre of Architectural Wing, the promotion position of SCs is nil. Similarly, in Civil Wing and Electrical Wing and promotional position of SCs in CE (Civil) cadre and EE (Electrical) cadre are nil. The BSNL Management was asked to maintain the adequate representation of SCs in promotion in all cadre posts.

The CMD, BSNL agreed to submit the action taken report within one month.

6. **Contractual appointment.** The Commission observed that the BSNL of the recruits the peiole from outsourcing through contractors and no reservation followed. Accordingly, the commission advised to the BSNL Management that they ensured that atleast 50% people should be recruited from the SC category and the BSNL should incorporate a clause in the Tenders awarded to the Contractors in this regard. It was also suggested that the BSNL should ensure that the wages should be paid as per the Government Rules, including Medical Facilities and PF funds. The Contract should be shown on the website of the Corporation.

The CMD, STC agreed to submit the action taken report within one month.

7 **Periodical meetings with the SC Employees Welfare Association.** The Commission observed that no periodical meetings with the Office Bearers of the SC Employees Welfare Association of BSNL Management were been conducted. Moreover, there were several complaints/representations pertaining to grievances of SC employees /officers pending and no sincere efforts were taken to disposed off. Accordingly, the Commission advised to the BSNL that all pending cases of the grievances of SCs may be disposed off.

The CMD, BSNL agreed to submit the action taken report within one month.

8 **Separate Interview.** As per the DoPT guidelines the interview for selection of reserved posts should be held separately for SC candidates. This has not followed. The Commission recommended that the separate interview for SCs should be held in future.

The CMD, BSNL agreed to submit the action taken report within one month.

9. **Appointment on Compassionate Grounds:** On query raised by the Commission, it was informed that the BSNL was not providing appointments on compassionate grounds to the SC persons. The BSNL had also rejected so many genuine cases. The Commission also noted that there was no member from the SC community in the High Power Committee to consider the cases of compassionate ground appointment. Hence, the Commission recommended that one member from the SC category should be nominated in the High Power Committee and all the cases of the compassionate ground pertaining to SC category should be reviewed and considered.

The CMD, BSNL agreed to submit the action taken report within one month.

10. **Details about various scheme/activities under taken by the organization for the Welfare and Socio-Economic Development of SCs under SCP and CSR schemes.** The BSNL Ltd may submit details of expenditure incurred, allocation of funds, number of beneficiaries under SCP schemes under CSR scheme. It was also suggested that the BSNL Management may explore the possibilities for framing a scheme exclusively for SCs under CSR.

The CMD, BSNL agreed to submit the action taken report within one month.

The meeting ended with vote of thanks to the Chair.

NATIONAL COMMISSION FOR SCHEDULED CASTES

List of Participants from NCSC

29. Dr. P.L. Punia, Chairman
30. Shri Raju Parmar, Member
31. Shri Ishwar Singh, Member
32. Smt. P.M. Kamalamma, Member
33. Dr. Vinod Aggarwal, Secretary
34. Shri Kanhaiya Lal, Director
35. Shri Y.K. Bansal, Research Officer

Officers of BSNL

27. Shri A.N. Rai, CMD
28. Shri V.K. Singh, CVO
29. Shri Anupam Shrivastava, Director (M)
30. Shri S.S. Aggarwal, GM (Pers.)
31. Sri Tajender Kumar, GM (O&M)
32. Shri Shamee Akhtar SGM (Trg. &SR)
33. Shri D. Chakrabarti, GM (Recruitment)
34. Shri R.K. Goyal, GM (Estt.)
35. Shri Adhir K. Singhal, GM (Admn.)
36. Shri S.K. Bhardwaj, GM (FD)
37. Shri H.R. Barkathulla PGM (Arch.)
38. Shri U.N. Rai, PGM (Elect.)

The SC officials of BSNL

27. Ms. Prabodh Kumari
28. Shri Birmetha
29. A.B. Bansode
30. Shri R. Ravindran
31. Shri B.R. Jakchotia
32. Shri Babu Singh
33. Shri K. Balakrishna