

National Commission for Scheduled Castes

Minutes of the Review Meeting under taken by the National Commission for Scheduled Castes on 23.12.2014 to assess and monitor of implementation of reservation policy for SC in MMTC Limited, New Delhi

The National Commission for Scheduled Castes held a Review Meeting to assess the implementation of the reservation policy in MMTC Limited 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, NCSC conducted the review meeting on 23.12.2014 at the headquarter of MMTC Corporate Office, New Delhi . The CMD and other senior office from MMTC attended the meeting.

A list of the participants are at Annexure-I

A: Meeting with the MMTC Limited SC Employees Welfare Association:

The Commission held a meeting with the Office Bearers and Representatives of the All India Federation of MMTC SC/ST Employees Welfare Association. The Chairman informed to the Association about the mandate of the Commission and need of review meeting. Thereafter the Association has submitted memorandum of grievances relating to non-implementation of reservation policy in MMTC Limited The main issues raised by the Association are as under:-

- Non-holding of structured meeting on regular basis.
- Review of minutes of Zonal level meeting held at Goa on 3.3.2008.
- Local competitive test (LCT) exams for Dy. Manager
- Enhancing the funds limits under Social responsibility for Mahaparinivan Diwas.
- Non-providing infrastructure facilities to the Officer Bearers of the Association i.e. Secretary General and President of the Federation.
- Providing /enhancing the funds limits under social responsibility for birth anniversary of Dr. B.R. Ambedkar to Rs. 1,00,000/-
- Non-holding regular Departmental Promotion Committee meeting to consider the promotion of SCs.
- Functional training to Members.
- Non-providing scholarship for higher education to the meritorious students of SC staff.
- Harassment in transfer /posting of SC officials due to not having transfer policy.

- Deliberately delay in promotion and delay in holding of DPCs- No DPC was held for last five years and the recommendation of DPC held in 2010 was not implemented in time.
- Supersession of SCs in promotions
- Non-convey of DPC in all cadres other than Rajbhasha
- Posting of SC employees at foreign offices on alternative basis.
- Issuing of major penalty charge-sheet and award of major punishment a vigilance cases framed against innocent SC employees.
- Rating and KPA reports- Giving below grading in ACRs to the SC officials for depriving them further promotions.
- Regularization of SC/Casual/Contract Labourers working in MMTC for the last 5 to 10 years.
- Non-implementation of DoPT /DPE Orders on implementation of reservation policy.
- Training for Liaisoning Officer providing guidance on reservation policy.
- Installation of Dr. B.R. Ambedkar's portrait at All MMTC Offices at ROs and SROs.
- Observance of 26th November as constitution day.
- Project under CSR for depress classe.
- Formation of Exclusive SC Cell in MMTC Ltd

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

B. Meeting with the MMTC Management:

Shri D.S. Dhesi, Chairman and Managing Director, MMTC. 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 management about the mandate of the Commission and need of the review.

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

1. **Relaxation/concession in direct appointment of SCs and OBCs as well as promotion of SCs-** The Commission observed that no relaxations in recruitment to the OBC candidates were being provided and due to this the required number of OBC vacancies could not be filled up. Similarly, the MMTC Ltd did not provide relaxations /concessions to the SC candidates in promotion in Group-A posts. The DoPT/DPE has already issued guidelines/instructions vide O.M. No. 6/11/2004-DPE(SC/ST Cell) dated 31.1.2014 and O.M. No. 6/11/2004-DPE(SC/ST Cell) dated 8.11.2004 with regard to concessions to the SCs in filling posts filled by promotion by selection that the concessions/relaxations to the SC candidates who fit found consideration for promotion in Group-A posts where reservation is not applicable should be made available. Accordingly, the Commission recommended that all promotions should be considered as per the DoPT/DPE guidelines and the MMTC Limited should review and consider the promotions of SCs who were deprived the benefits of the promotion of this order.

The CMD, MMTC Limited 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 MMTC Limited 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 issued O.M. dated 2.7.1997. It was also observed that no summery has been prepared at the end of reservation roster after making recruitment in every years. The remarks column has been left blank as so many candidates were promoted, resigned etc. Moreover, no reservation roster were prepared for the Staff belonging to Group-B, C and D category posts since, 1992 onwards. Accordingly, the Commission recommended that the MMTC Limited should re-cast all the reservation rosters for various cadre /posts separately for Direct Recruitment and for promotion (post-wise) immediately w.e.f. 2.7.1997 as per the DoPT guidelines so that it could be ensured that the benefits of the reservation would reach to the Scheduled Castes candidates. It was also suggested the MMTC Limited should shown the reservation rosters on the Corporation's website.

The CMD, MMTC Limited agreed to and takes necessary action to re-cast the rosters with the submission of action taken report within one month.

3. **Representation of SCs:** The Commission observed that the representation of SCs in Group-B, C and D category posts was very below the prescribed percentage reservation of 15%. The MMTC had reported that the representation of SCs in these category posts was less due to non-recruitment since, 1992. The Commission observed that this was not a valid ground. The Corporation should maintain the representation of SCs in all cadre posts as per the prescribed percentage of reservation. Accordingly the Commission recommended that that the MMTC Limited should take necessary action to maintain the representation of SCs in all cadre posts as per the

reservation policy of the Government of India. In addition, the MMTC Limited may provide the post-wise information about number of sanctioned post number of SCs and percentage of SC representation in promotion as well as Direct Recruitment separately.

The CMD, MMTC Limited agreed to submit of action taken report within one month.

4. Representation of OBCs- The Commission noted that the representation of OBCs in all cadres/posts was below the prescribed percentage of reservation of 27%. The Commission advised the MMTC Limited to maintain the required percentage of reservation for OBCs in all cadres/ posts and take necessary steps to fill up all the shortfall.

The CMD, MMTC Limited agreed to submit action taken report within one month.

5. Backlog Vacancies /Shortfall – The Commission observed that there was shortfall of SC vacancies of Direct Recruitment as 02 and in promotion as 60 after implementation of post based reservation rosters. Moreover, there was shortfall /backlog in Group-B, C and D category posts. Since, 1992 onwards. The MMTC Limited informed the Commission that shortfall in Group-B,C and D category posts was due to ban in appointment and all recruitments were being made as Daily wage basis. The Commission took it seriously, and shown its displeasure. The Hon'ble Member, Shri Raju Parmar of the Commission informed the MMTC Limited that the Govt. of India i.e. DoPT issued several instruction guidelines for filling up of all backlog /shortfall reserved vacancies immediately by launching of special recruitment drives. But, the MMTC Limited did not follow these guidelines. Therefore, the Commission recommended that the MMTC Limited may take necessary immediate steps to fill up all the backlog vacancies/shortfall by launching a Special Recruitment Drive with a time bound action plan.

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

6. Delay in holding of DPCs and Implementation of the Recommendation of the DPC promotion of SCs.- The Commission observed that the DPCs for various category posts were held in 2010 and recommendations of DPCs were not implemented. Due to this, the SC officials were superseded in staggered manner at different levels including new cadre from March, 2014. It was also observed that the Parliamentary Committee on the Welfare of SCs also recommended the implementation of DPCs recommendations. But, the MMTC Limited did not follow the orders of Parliamentary Committee. On the other hand, the recommendation of the Parliamentary Committee of Hindi Language regarding granting promotion to the Rajbhasha Officers, who's DPC was held in March, 2013 was implemented. The Commission also noted that that the officials belonging to SC category was given poor ratings and KPA reports to delay and deny their promotions and no opportunity was given to overcome the alleged shortcomings observed by their superiors. The Commission, therefore, recommended that the MMTC Management may review all

such cases and consider their promotions from retrospective effect. In addition, it may be ensured that the DPC may be held in time and their recommendations should be implemented timely.

The CMD, MMTC Limited agreed to look into the matter and take necessary action with submission of 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 MMTC Limited were being conducted at regular intervals. 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 MMTC Management that the periodical meetings with the SC Employees Welfare Association may be held regularly as per the DoPT guidelines and all pending cases of the grievances of SCs may be disposed off.

The CMD, MMTC Limited agreed to and submit the action taken report within one month.

8. Nomination of SCs in various Recruitment Boards/Selection Committees /DPCs- The Commission observed that the MMTC Limited has nominated an outsider representative from SC category in various recruitment boards despite availability of senior level officers of SCs in the Corporation. The Hon'ble Member Shri Raju Parmar of the Commission suggested the MMTC Management that he may consider to nominate internal member from the SC category in the various boards.

The CMD, MMTC Limited agreed to and submit the action taken report within one month.

9. Pre-Recruitment and Pre-Promotional Training to the SCs and OBCs- The Commission recommended that the MMTC Management may consider to providing pre-recruitment and pre-promotional training to the SCs and OBCs at the time of recruitment and promotion.

The CMD, MMTC Limited agreed to and submit the action taken report within one month.

10. Enhancement of funds for celebrating Dr. Ambedkar's Anniversary. The Commission was informed that the funds allocated for celebrating Dr. Ambedkar's Anniversary by the MMTC Limited was inadequate. The Commission, therefore, recommended that the MMTC Management may enhance the allocation of funds.

The CMD, MMTC Limited agreed to and submit the action taken report within one month.

11. 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 MMTC Management may explore the possibilities for framing a scheme exclusively for SCs under CSR schemes.

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

The meeting ended with vote of thanks to the Chair.

ANNEXURE-I

NATIONAL COMMISSION FOR SCHEDULED CASTES

List of Participants from NCSC

1. Dr. P.L. Punia, Chairman
2. Shri Raju Parmar, Member
3. Dr. Vinod Aggarwal, Secretary
4. Shri M.R. Bali, Consultant
5. Shri Y.K. Bansal, Research Officer

Officers of MMTC Limited

1. Shri D.S. Dhesi, CMD
2. Shri Ved Prakash, Director (Marketing)
3. Shri Rajeev Jaideva, Director (Personnel)
4. Shri M.G. Gupta, Director (Finance)
5. Shri Anand Trivedi, Director (Marketing)
6. Shri P.K. Jain, Director (Marketing)
7. Shri Khushinder Nath, General Manager (Personnel)
8. Shri Subhash Bhaskar, Addl. General Manager (Personnel)
9. Shri Kiran B. Lakra, Manager (Personnel)

The SC officials of MMTC Limited

1. Shri Ashok Kumar
2. Shri A. Raja Gopal
3. Shri Shashank Shende
4. Shri B.K. Behera
5. Shri Mantu Kumar Murmu
6. Shri Ram Niwas
7. Shri Udai Vir Singh
8. Shri Mahinder Singh
9. Shri R.L. Gautam