

File No. 12-Review (CPWD)/2013/SSW-I

National Commission for Scheduled Castes

Minutes of the Review Meeting held on 24.9.2013 in the Commission regarding monitoring and implementation of reservation policy for SCs in CPWD.

The National Commission for Scheduled Castes held a Review Meeting to assess the implementation of the reservation policy in CPWD 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 CPWD 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 Dr. Raj Kumar Verka, Vice-Chairman, Shri Raju Parmar, Member, Smt. P.M. Kamalamma, Member, NCSC conducted the review meeting on 24.9.2014 in the Commission's Headquarters at New Delhi. DG/CPWD and Senior CPWD Officer attended the meeting.

As per the traditional practice prior to discussing the issues with the Department, the Commission held a meeting with the SC staff welfare Association so that their concerns could also be taken on board and communicated to the CPWD. A list of participants is placed at Annexure-I.

As a part of due diligence prior to the review meeting, a team of the officers of the NCSC inspected/checked the Reservation Rosters for various posts /cadre of CPWD. The Commission observed that the rosters prepared are incomplete and found several deficiencies which are as under:-

- All the Rosters belonging to Group 'B' (Non-Gazetted), Group 'C' and work charge employees which includes post of Drafts Man, Steno Grade-I, Steno Grade-II, Senior Draft Man, L.D.C., U.D.C., Office Superintendent, Peon, Junior Hindi Translator, Assistant, Chief Establishment, Office Superintendent etc. have been prepared from the year 2006 onwards. This is a violation of DoPT guidelines that the Rosters should be prepared after switching over the Rosters from vacancy based rosters to post based rosters from the year 1997. Moreover, the roster of CPWD did not follow the prescribed model rosters format and many rosters are in-complete and the old records prior to 2006 found not available with CPWD.
- The cadre strength of the posts / cadre has not been indicated in the reservation roster for all the cadre / posts. The cadre strength should be mentioned on the top of the reservation roster of the posts.
- All the reservation roster prepared for Group 'B', 'C', and Work Charged Employees have cuttings. The names of persons, who consumed the point in the reservation roster have been cut after retirement, death, promotion and resignation. The above is a violation for the DoPT guidelines as cuttings should not be made and the replacement should be made in place of retired / promoted / resigned / death employees.

- The post based rosters have not been prepared. As per the GOI guidelines, post based Roster should be prepared for the sanctioned posts. Thereafter, their replacement should be made. But, the Rosters prepared by the CPWD for all cadre posts, with running positions and replacement have been placed after sanctioned posts.
- In the post of Draftsman, Stenographer, Office Superintendent etc. it is also observed that there are excess candidates in position including General, SC and ST. Hence, the position of SC employees / candidates who were promoted their own merit basis and seniority-cum-fitness basis are also being counted in SC candidates is not clear.

Meeting with Representatives and Office Bearers of CPWD SC/ST Employees Welfare Association.

The Commission held a meeting with the Representatives of the office bearers of the CPWD SC/ST Employees Association and discussed the following issues raised by the Association:-

4. The Rosters of various posts are not being prepared / maintained as per the Government guidelines and not checked and inspected by the Liaison officers. It effects the calculation of exact number of vacancies for every promotion /recruitment on merit candidates. Selections are being counted against reserved points.
2. Back log vacancies are not filled by the Department nor carried forward for next year. A case of AE (Civil) degree stream for 16 Nos SC backlog vacancies are lying vacant and no efforts are being made seriously for filling up of such vacancies.
3. Seniority list are not correct as all the SC candidates have not been placed at proper place as per DOPT guidelines. Specially in LDCE 1992, 35 candidates selected to the post of Assistant Engineer in 1993 have been placed below the General candidates after de-reserving the 78 posts reserved for SCs in 1994. Similarly, in LDCE 1999, 34 posts of Assistant Engineers are backlog vacancies and not placed properly, In AE (E) seniority list, SC candidates promoted in 2002 against regular post have been placed after General candidates who were promoted in 2005.
4. Special recruitment drive for various posts are not being completed. A case of appointment of Operator (E&M) is still pending.
5. The LDCs belonging to SC/ST categories have not been considered for promotion even after completion of 30 years services.
6. The present SC/ST Association has not been recognized and therefore, the periodical meetings with Association are not being held by the Department.
7. The office bearers of the Association have not been posted at Headquarters or nearby but and the SC/ST Officers /officials have been posted far away places.

Meeting with CPWD

In the review meeting with the CPWD officers, the Hon'ble Chairman, NCSC in his welcome address apprised the CPWD about the constitutional mandate of the Commission and the need for this review meeting.

The issues raised by the SC/ST Staff Association and the findings of the Commission regarding incomplete and irregular maintenance of reservation roster as specified were discussed in detail.

The Commission observed that though the CPWD had replied to the Questionnaire of NCSC indicating compliance of all GOI guidelines on the reservation policy, the facts on record after inspection of rosters were at complete variance with the reply of CPWD. As such, the point by point review would not yield results. The Commission observed that :-

1. The rosters of CPWD were not prepared on post based pattern which was a violation of DoPT guidelines which states that post based roster are to be prepared after 01/07/1997.
2. The details of cadre-wise sanctioned strength, persons in position and vacancies (general and SC) were not available. The same need to be prepared to identify backlog vacancies.
3. The rosters were incomplete, wrongly maintained and had cuttings.
4. The details of vacancies records prior to 2006 were not available as per returns submission of CPWD and rosters of some cadres were not made. All of these are violation of DoPT guidelines.

The D.G., CPWD agreed that there were serious discrepancies and lapses in preparation and maintenance of Rosters. He sought 3 month's time to get the Rosters rectified/prepared.

The Commission agreed to the time-frame sought by D.G., CPWD. Hon'ble Member Shri Raju Parmar suggested that CPWD may take help of some roster experts to get the rosters prepared by as per the DoPT guidelines. Commission also advised CPWD to get their officials trained in the process by ISTM etc. and prepare details of cadre strength of various posts with details of SS, PIP vacancies within the 3 months time-frame. Further, review exercise by SC would be held only after 3 months.

5. The action/inaction of the Chief Liaison officer was also scrutinized. The Commission observed that the CLO has not inspected the Rosters nor recorded his findings that the same were incorrectly may maintained/not maintained and were not as per the DoPT guidelines.

The CLO was advised to perform his role differently and as per guidelines/rules.

6. The Commission observed that there was no concession/relaxation in eligibility criteria candidates for promotion. The Commission recommended that the CPWD examine the issues and take action to provide the relaxation as per the DoP&T circulars. The DG, CPWD agreed to examine and take necessary action.
7. On the issues raised by the Association viz,

- (a) No maintenance of roster, cadre wise vacancy position- Commission recommendation has already been detailed at 1 to 5 above.
- (b) Non holding of periodical meetings with Associations- the Commission observed that the Association represent approx 12000 officials and periodical meetings as per a fixed periodicity of issues of format minutes of formal minutes and action on the decision points is a necessary part of management activity and should be held.

The D.G., CPWD agreed for the same.

- (c) On transfer of office bearers of Associations to far of places- the Commission recommended that DoP&T guidelines the same should be followed.

The D.G., CPWD agreed to follow the same.

- (d) Filling up of backlog vacancies- the Commission observed that once the actual position of year wise cadre wise CS, PIP of vacancy position is prepared the Backlog position will be clear and CPWD can then take action to fill the same as per the Rules.

The D.G., CPWD had already agreed to a 3 months time frame to get the cadre wise details and roster prepared.

- (e) Anomalies in seniority lists- the Commission observed that seniority lists have discrepancies and the SC candidates are placed below General candidates promoted many years later. Specific examples like of LDCE 1992 and 1999 of Assistant Engineers were handed over to DG, CPWD.

The D.G., CPWD assured that the time bound action to rectify the discrepancies will be taken.

- (f) No promotion of LDCs- the Commission recommended that D.G., CPWD examine the issue that LDCs with even 30 years service have not been promoted and take action as per rules.

The D.G., CPWD agreed to examine the issue and take necessary action.

At the end of the meeting, the Secretary, NCSC gave concluding address and has underlined the importance of implementation of Government of India's reservation policy for SCs.

The meeting ended with the thanks to the Chair.

NATIONAL COMMISSION FOR SCHEDULED CASTES

List of Participants from NCSC

51. Dr. P.L. Punia, Chairman
52. Dr. Raj Kumar Verka, Vice Chairman,
53. Shri Raju Parmar, Member
54. Smt. P.M. Kamalamma, Member
55. Shri V.K. Subburaju, Secretary
56. Smt. Smita S. Chaudhary, Joint Secretary
57. Shri Kanhaiya Lal, Director
58. Shri G.K. Baurai, Deputy Secretary
59. Shri M.R. Bali, Consultant
60. Shri Y.K. Bansal, Research Officer

CPWD Officers

54. Shri Divakar Garg, D.G.
55. Shri R.K. Singhal. Special D.G.
56. Shri B.M. Khateek, DDG, (HQ), NR
57. Shri K.C. Singh, DDG (HQ)
58. Shri Surendra Singh, DDG(P)
59. Shri B.B. Makkar, CE (HQ)
60. Shri Mukesh Kumar, SE (CLO)

The Representatives of CPWD SC/ST Employees Welfare Association.

45. Shri Bhagwan Singh, President
46. Shri Pratap Singh, Vice President
47. Shri B.S. Bharti, General Secretary
48. Shri Rajendra Kumar, Executive Member