



GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

File SP/18/12

011-2309 4500

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

SD/2/2012/MDEF2/SEPPROM/RU-IV

Date: 11th July, 2012

To

The Secretary,
Deptt. of Personnel & Training,
North Block,
New Delhi.

Sub: Review of procedure for filling posts reserved for Scheduled Tribes.

Sir,

A meeting on the subject has been convened on **18/07/2012 at 1200 hrs.** in this Commission with the Secretary, Defence Production. In this connection, a copy of this Commission's letter of even number is enclosed.

2. It will be noted that the issues listed at para 1 (i) and (ii) of the enclosed letters pertain to formation of a uniform policy for Govt. Deptts./ PSUs to improve the level of representation of STs as provided in the Constitution, As desired by the Chairman, NCST, it is requested that you may kindly make it convenient to attend the meeting on the scheduled date and time mentioned above.

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ISSUED

Yours faithfully,

(K.D. Bhansor Mrs.)
Deputy Director

Encl: As above.

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GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

Fax number

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SD/2/2012/MDEF2/SEPROM/RU-IV

Date: 11th July, 2012

To

The Secretary,
Deptt. of Defence Production,
Ministry of Defence,
South Block,
New Delhi.

Sub: Review of procedure for filling posts reserved for Scheduled Tribes.

Sir,

During a recent review taken by the Commission with regard to implementation of reservation policy in respect of STs in Ordnance Factories, the Commission was informed by the Ordnance Factory Board that the organization is facing problems in meeting the target for stipulated representation of STs in various categories due to the following reasons:

- (i) Non-availability of eligible ST candidates in feeder grades
- (ii) Provision of reservation of STs @7.5% in 'A' & 'B' Category while reservation in Direct Recruitment on regional basis in 'C' & 'D' Category is very low in many cases (like Tamil Nadu etc). This anomaly results in non-availability of eligible candidates for filling reserved posts in higher category.

2. In order to address the issue, corrective measures are required to be taken to meet the stipulated representation of STs in all categories. In this connection, the Commission has also been informed about the instructions issued by the Ministry of Railways to facilitate better representation of STs in various categories, vide letter No.99-E(SCT)/I/25/10 dated 11/05/1999, No.99-E(SCT)/I/25/10 pt. dated 29/06/1999, No.99-E(SCT)-I/25/10 dated 28/03/2003 (copy enclosed). Regarding (ii), the Commission has also been informed that while the defence units in Tamil Nadu etc. are resorting to reservation in Direct Recruitment on regional basis in 'C' & 'D' Category, other Govt. Deptts. like Railways are following 7.5% reservation in 'C' & 'D' Category. Thus, a uniform policy is not being followed by the various Govt. Deptt.s/ PSUs in this regard.

3. The Chairman, NCST has desired to discuss the issue with you and the DGOF & Chairman, OFB in the meeting scheduled on **18/07/2012 at 1200 hrs.** in this Commission, as communicated vide NCST letter of even number dated 26/06/2012. It is requested that views of the Deptt. of Defence Production on the subject, including the suggestions to improve level of representation of STs in various categories may please be communicated to this Commission by FAX (011-24603669) and also by e-mail at dircood@ncst.nic.in by 16/07/2012.

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ISSUED

Yours faithfully,

(Signature)
(K.D. Bhansor Mrs.)
Deputy Director

Coy to:

The DGOF & Chairman,
Ordnance Factory Board,
10A, S.K. Bose Road,
Kolkata – 700001
West Bengal

Reference text above.

It is requested that views of the Ordnance Factory Board on the subject, including the suggestions to improve level of representation of STs in various categories may please be communicated to this Commission by FAX (011-24603669) and also by e-mail at dircood@ncst.nic.in by 16/07/2012.

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(Signature)

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)**

RBE No. 102/1999

No. 99-E(SCT)I/25/10 dated 11/05/1999

Subject :- Filling up of reserved posts due to non-availability of SC/ST candidates - Ad-hoc promotion.

It has been brought to the notice of Board by Zonal Railways/Production Units that, sometimes, reserved posts for SCs/STs in important/essential, promotional categories remain unfilled due to non-availability of suitable SC/ST candidates, as such reserved posts cannot be de-reserved according to the instructions contained in para 9 of Railway Board's letter No. 95-E(SCT)I/49/5 (dated 21.08.1997 (RBE 114/1997)).

In this connection, it is clarified that, in cases where de-reservation is considered absolutely necessary and justified on the ground of safety of train operations, achievement of production target etc., proposals for de-reservation may be submitted to Board for consideration. Such proposals will be considered by the Board on merit as per extant procedure. However, before proposing any de-reservation, the following positive steps will be required to be taken to fill up the reserved vacancies by the reserved candidates:

- i. Considering the possibility of direct recruitment where such direct recruitment are permissible in the grade in which promotions are required to be made, in terms of Railway Boards letter No. 90-E(SCT)I/25/23 dated 29.11.1990 (RBE 220/1990).
- ii. Where direct recruitment are not permissible, the possibility of downgrading the post and filling up the same by promotion may be considered. If same is not feasible, it may also be examined whether such down graded posts can be filled up by direct recruitment if same is permissible.
- iii. In exercise of the powers delegated to General Manager vide Board's letter No. E(NG)I-94/PM 1/17 dated 11.11.1994 (RBE 96/1994), the possibility of relaxing the condition of two years minimum service in the existing grade to one year in non-running category posts may be considered, so that the Scheduled Castes/Scheduled Tribes may be allowed to be appointed under these delegated powers.

4. Besides, where the work is of such important/urgent nature that the reserved posts cannot be kept vacant, Zonal Railways/Production Units may consider adhoc promotions for specific periods in accordance with Board's instructions on the subject with the personal approval of the GM, subject to fulfillment of the following conditions: --

- i. The ad-hoc arrangement is absolutely necessary and justified on the ground of safety of train operations, achievement target etc.

- ii. Any extension of the period of ad-hoc arrangement against reserved posts will also require GM's personal approval.
- iii. The ad-hoc arrangement will be stopgap arrangement and will not be allowed to continue for unduly long duration.

Further guidelines vide Railway Board's letter No. 99-E(SCT)-I/25/10 dated 27/28.03.03 (RBE 51/2003).

Temporary downgraded post will be counted against the cadre strength of higher grade vide Railway Board's letter No. 99-E(SCT)I/25/10 dt. dated 29.06.1999 (RBE 151/1999).

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)**

RBE No. 151/1999

No. 99-E(SCT)I/25/10 pt. dated 29/06/1999

Subject :- Filling up of reserved posts by temporary down-gradation due to nonavailability of SC/ST candidates.

Reference: Railway Board's letter No. 99-E(SCT)I/25/10 dated 11.05.1999 (RBE 102/1999).

Reference is invited to para 2(ii) of Board's letter quoted above wherein it is suggested that for filling up of reserved posts remaining unfilled due to non-availability of SC/ST candidates, for promotion to the categories in which direct recruitment is not permissible, the possibility of down-grading the posts and filling up the same by promotion to the lower grade may be considered. If the same is not feasible, it is also to be examined whether such downgraded posts can be filled up by direct recruitment.

2. In this connection, one of the Railways has asked for clarification whether the down graded posts will continue to be kept as a part of the cadre strength of the higher grade or will be counted in the cadre strength of the lower grade posts.

3. It may be stated that the issue was earlier deliberated in the CPOs' Conference held in Board's office on 10.12.1998 and the consensus emerged that the temporary downgradation of the reserved posts and filling up of the same by candidates belonging to SC/ST category is done with a view to achieve the prescribed percentage of representation in the higher grade at a future date. Therefore, the downgraded posts will continue to be counted against the cadre strength of the higher grade posts. In such cases, as and when the reserved community candidates become available for promotion in future, the reserved posts shall be restored to the original grades and shall be filled up by promotion of reserved candidates.

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)**

RBE No. 51/2003

SECRET(SCT)-1/25/10 dated 28/03/2003

Subject :- Filling up of reserved posts due to non-availability of SC/ST candidates - Ad-hoc promotion.

The parliamentary Committee on the Welfare of SCs/STs in its 12th Report (Lok Sabha) Vide para 1. 11 has reiterated its earlier recommendations (para 1.6 of 1st Report pertaining to S.E. Railway) as under :-

"The Committee note that as per the extant rules, South Eastern Railway could not divert the promotional posts to recruitment as there is no element of direct recruitment in these categories. The Committee also note that despite various safeguards existing in favour of SCs/STs the shortfall in various cadres still exists. The Committee, therefore, urge upon the government to amend the rules to this effect. The Committee, are therefore not convinced with the reply of the Govt. and would like to reiterate their earlier recommendations that to overcome the non-availability of eligible SC/ST candidates in the lower grade the promotional posts should temporarily be diverted to direct recruitment from among the SCs and STs only."

In this connection reference is invited to Board's instructions contained in letter of even number dated 11.5.1999 (RBE 102/1999) wherein it has been mentioned that so as to overcome the situation of lapsing of reserved vacancies due to non-availability of SC/ST candidates in promotional categories to explore the following possibilities to fill up the post meant for SC/STs by them only.

- a) Considering the possibility of direct recruitment where such direct recruitments are permissible in the grade in which promotions are required to be made.
- b) Where direct recruitment are not permissible, to consider the possibility of downgrading the post and filling up the same by promotion. If the same is not feasible, to consider direct recruitment in down-graded posts for SC/STs, if the same is permissible.
- c) Further, in exercise of the delegated power of General Manager, the possibility of relaxing the condition of two years minimum service in the existing grade to one year in non-running category posts should also be considered so that the required SC/ST candidates become available for promotion.

In view of the object of the above mentioned recommendations of the Parliamentary Committee, it is reiterated that the instructions contained in Board's letter of 11.5.1999 (RBE 102/1999) under reference may please be followed in the best perspective so as to fill up the earmarked posts of SCs/STs by them