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Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. BCN/2/2015/MCAP1/SEOTH/RU-IV

Dated: 10.11.2016

To,

The Chairman cum Managing Director,
Food Corporation of India,
HQ: 16-20, Barakamba Lane,
New Delhi - 110 001.

Sub: Proceedings of the sitting taken by the Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 20-10-2016 at 3.00 P.M. in the matter of Shri B. Chekre Naik, All India General Secretary, FCI ST Staff & Officers Welfare Association, Central Executive Committee, Hyderabad, Telangana regarding notional promotion in FCI and promotion to Shri Chandala Nageswara Rao, Manager, FCI.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 20.10.2016 on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,


(V.P. Shahi)
Assistant Director

7813-19
25/11/16
V.P. Shahi
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Copy to:-

- (1) Shri B. Chekre Naik,
All India General Secretary,
FCI-ST Staff & Officers Wel. Asso.,
O/o Food Corporation of India,
Regional Office, HACA Bhawan,
3rd Floor, Opp. Public Gardens,
Hyderabad - Andhra Pradesh - 4.
- o/c

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- (2) Shri K. Naju Naik,
CEC Member,
Food Corporation of India,
D.O. Nizamabad,
Andhra Pradesh.
- (3) Shri N. B. Kodape,
Zonal Secretary, (West Zone),
Food Corporation of India,
Azni, Nagpur
Maharashtra.
- (4) Shri Joy Ekka,
ZEC Member (East Zone),
Food Corporation of India,
Dist. Office, Ranchi,
Jharkhand.
- (5) Shri Sudeep Chakma,
Zonal Secretary (North East Zone),
Food Corporation of India,
Kumar Ghat, Mizoram.
- (6) Shri T.S. Meena,
All India Working President,
Food Corporation of India,
HQ: 16-20, Barakamba Lane,
New Delhi - 110 001.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. BCN/2/2015/MCAP1/SEOTH/RU-IV

Proceedings of the sitting taken by the Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 20-10-2016 on the representations received from Shri B. Chekre Naik, All India General Secretary, Food Corporation of India, ST Staff & Officers Welfare Association, Central Executive Committee, Hyderabad, regarding notional promotion in FCI and promotion to Shri Chandala Nageswara Rao, Manager, FCI.

Date of sitting: 20.10.2016

List of the officers present: (Annex I)

Representation dated 28.06.2016 regarding grievances of ST Staff & Officers working in FCI throughout India and representation dated 23.09.2016 regarding promotion to Shri Chandala Nageswara Rao, Manager (Depot) presently working under at DO Vijayawada, AP region, South Zone to the post of Assistant General Manager (General) were received from Shri B. Chekre Naik, All India General Secretary, Food Corporation of India, ST Staff & Officers Welfare Association, Central Executive Committee, Hyderabad.

2. The representations were referred to the Chairman cum Managing Director (CMD), Food Corporation of India, New Delhi for discussion in the Sitting on 20.10.2016 to be presided over by Hon'ble Chairperson, NCST.

3. The FCI vide letter dated 19.10.2016 furnished the point - wise replies on the representations dated 28.06.2016 and 23.09.2016 of Shri B. Chekre Naik. The CMD, FCI had sought exemption for personal appearance in the Sitting and deputed the Executive Director (Personnel) and Executive Director (South) for attending the Sitting. Hon'ble Vice-Chairperson, NCST



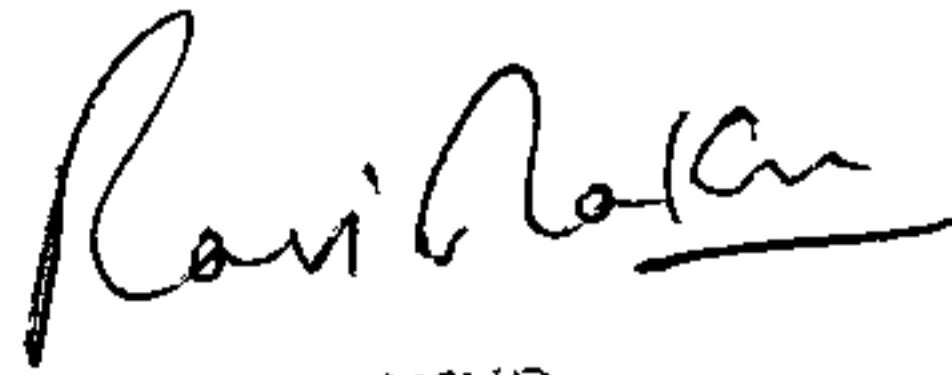
रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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allowed the Executive Director (Personnel) and Executive Director (South) and other officers of FCI to attending the Sitting.

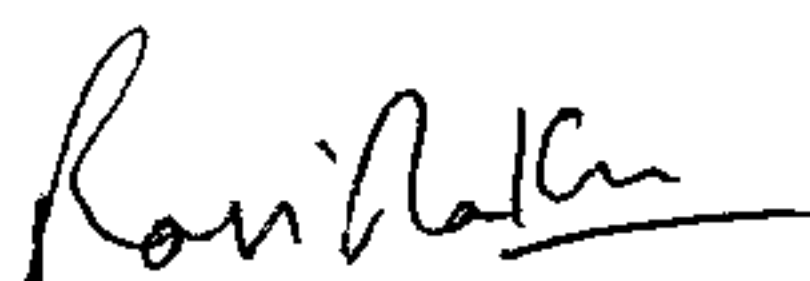
4. Executive Director (Personnel) and Executive Director (South) explained the point-wise replies of the FCI provided to the Commission vide its letter dated 19.10.2016 and stated that Shri Chandra Nageswara Rao, Manager (D) to AGM (General) has been promoted by the DPC and order issued on 17.10.2016.

5. The Hon'ble Vice-Chairperson asked to Shri Chekre Naik for their comments and any other issues. Shri Chekre Naik stated various issues which are:-

- i). After introduction of post based rosters i.e., 02.07.1997 onwards the ST posts should not diverted and filled with SCs and should be filled with STs invariably. Despite of clear instructions, many ST posts were filled up with SCs after 02.07.1997.
- iii). The Govt. of India has issued instructions on 06.11.2003 whatever the ST posts have been diverted and filled with SC candidates it should be restored and filled with STs.
- iv). In South Zone nearly 188 ST Manager Posts have been diverted and filled with SCs though eligible ST candidates are very much available. Please, verify the ZPC proceedings in this regard?
- v). As recommended by Dr. G.S. Somawat, Former Director, NCST, Regional Office, Jaipur in its report that whatever the ST posts filled with SCs should be filled up under SRD (Promotion) with ST candidates, if need arise by relaxing the standards too. No action has been taken till now even after lapse of 9 years?


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- vi). Further, as per the recommendation of the NCST, 62 ST officials were notionally promoted in depot cadre in the post from AG-III to AG-II and AG-II to AG-I only by preponing their seniority 5 to 10 years in advance. But, further promotions as Manager and above have not been given, though clear S.T. vacancies and eligible ST candidates very much available during that time.
- vii). As per rules, the Ad-hoc promotions should be given against the posts which are earmarked under Direct Recruitment quota only but not against the Promotions quota. But, contrary to the above though the eligible ST candidates as well as sufficient 26 (twenty six) clear vacancies available under ST quota, the ST candidates have got promotions as Manager (Accts & technical) on purely ad-hoc basis during 2007 instead of regular promotions.
- viii). In West Zone, employees belonging to Halbi/ Halba Kosti communities have been reverted back from ST to General Category and the resulted ST vacancies should be filled up with ST candidates on notional basis. No action has been initiated in this regard even after lapse of 6 years.
- xi). In East Zone, though ST candidates as well as sufficient ST posts are very much available. Promotions were not given to the ST candidates on the plea of ACRs not available. The Hon'ble Commission may kindly peruse the proceedings of the ZPC of East Zone w.e.f. 02.07.1997.
- x). In FCI, during 2008 relief has been given to all the candidates irrespective of community who have completed more than 12 years of service and considered for promotions. But, the facility has not been provided to the ST candidates working in North East Zone.

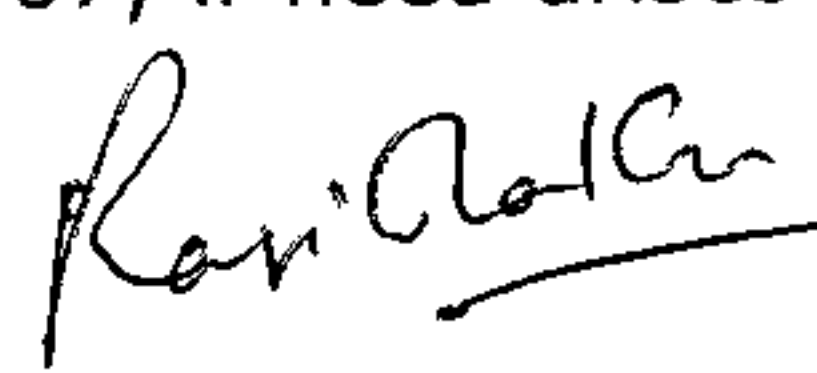

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6. The officers of FCI explained that the issues raised by Shri Chekre Naik are pertains to various Offices of FCI. Issue raised by Shri Chekre Naik are required to be rechecked from the concerned offices and records.

7. Hon'ble Vice-Chairperson, NCST agreed with the views of Officers of FCI and asked Shri Chekre Naik to submit a written representation to the ED (Personnel) for any other specific cases.

8. Further, the Commission is once again advised FCI Management that to review all pending cases and settle all following issues as mentioned below, if need, arises by relaxing the standard too for providing benefits to deserving ST employees as a special case as one time measure and Action Taken/to be taken shall be furnished within two months.


- a) All the ST vacancies which were diverted and filled with others by way of exchange in between 02.07.1997 to 06.11.2003 should be restored and filled with ST candidates notionally with retrospective effect in all cadres/grades in all Zones, as per the ZPC proceedings.
- b) Notional promotions shall be considered for higher post i.e. as Manager/AGM etc. in respect of 62 ST candidates, who got notional promotion in South Zone as per recommendations of Dr.G.S.Somowat, Ex-Director, NCST, Regional Office, Jaipur as per availability of the clear ST vacancies and eligibility of the ST candidates (as per Department of Personnel and Training (DoPT) instructions) if ST candidates denied promotions though vacancy are available at the time of eligibility as was considered in case of AGM post at Headquarters.
- c) Notional promotion shall be considered on regular basis w.e.f. 2007 instead of 2008 to the ST candidates, who got promotion on Ad-hoc basis as Manager(Tech) & Manager(A/c) during 2007, if need arises by relaxing the standard too.


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- d) Restoration of Five ST posts against AG-III(D) cadre which were filled with by SC candidates during SRD in 1996 in Andhra Pradesh Region.
- e) Accommodation of ST candidates recruited recently to their native State especially for category III in South Zone.
- f) In West Zone, all the resultant vacancies which were created by way of reverting 58 bogus ST candidates should be filled with ST candidate notionally w.e.f 28.11.2000.
- g) Notional promotion shall be considered to the ST candidates working in West Zone who were denied promotion to the post of Manager(D) w.e.f. June 2015 on the plea of non-completion of 03 calendar years service at par with juniors.
- h) Notional promotion shall be considered to the ST candidates working in East Zone who were denied promotions on the plea of non - availability of ACRs.
- i) Notional promotion shall be considered to the ST candidates working in North-East Zone who were not considered for promotions even after completion of 18 years.

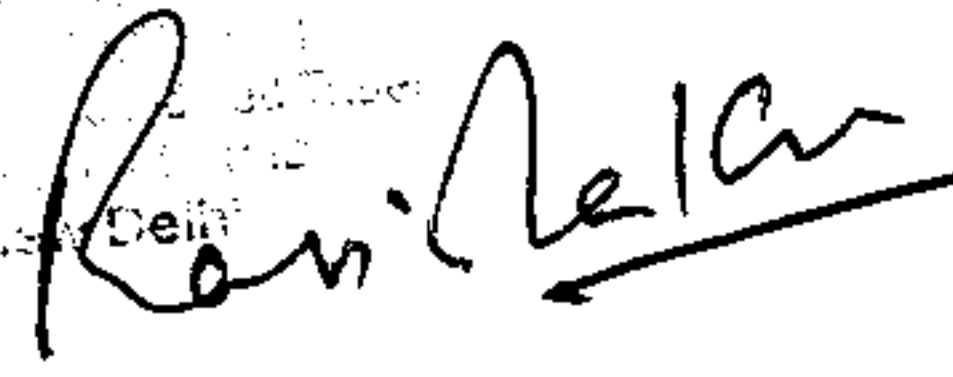
9. ED (Personnel) has agreed to review the cases from 1976 if DoPT instructions provide for the same. ED (South) has also agreed to regularize the ad-hoc promotions of Manager(Accts) and Manager (Tech) w.e.f. 2007 instead of 2008 and to restore the ST exchanged vacancies which were filled with other than STs in between 02.07.97 to 06.11.2003 and consider notional promotions to the ST candidates with retrospective effect.

10. The FCI authorities have agreed to the points raised by Shri B. Checkre Naik, General Secretary, FCI Scheduled Tribe staff and Officers Welfare Association regarding redressel which needs to be reviewed / examined by the FCI within one month of receipt of the grievance


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petitions/representations, and has also agreed to hold meetings with the ST Staff and Officers Welfare Association regularly to mitigate the grievances.

11. It was also decided that the representation dated 20.10.2016 given by Shri N.B. Kodape, Zonal Secretary (WZ), FCI, ST Staff and Officers Welfare Association, Zonal Executive Committee (WZ), 101, Ushakal Apt, 2, Perfect C.H. Society, Opp. Mokhare College, Nagpur (Maharashtra) regarding grievance of notional promotion against 58' ST vacancies which has been created after reversion of 58' non ST employees n FCI West Zone. w.e.f. 28.11.2000, in the Sitting, be referred to FCI separately for examination and appropriate action.


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Annexure-1

File No. BCN/2/2015/MCAP1/SEOTH/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri P.V. Mohandas, PS to Vice-Chairperson
4. Shri R.S. Misra, Senior Investigator.

Officers of Food Corporation of India

1. Ms. K. Damayanthi, ED (Personnel)
2. Shri R. D. Nazeem, ED (South)
3. Ms. Ruchi Govil, GM (PE)
4. Shri D.K. Sethi, DGM (CLO)
5. Shri Duli Chand, Manager (LC)
6. Shri Anand M. Kerketta, LO
7. Shri A.G. Jawahar, Manager, South Zone

Petitioners

1. Shri Chekre Naik, General Secretary
2. Shri Chandala Nageswara Rao
3. Shri J. Jaya Kumar
4. Shri K. Naju Naik
5. Shri N.B. Kodape
6. Shri Joy Ekka