

**Proceedings of sitting of Hon'ble Vice Chairman with CMD, IOCL on  
12.12.2008 at 1500 hrs.**

A list of officers present in the sitting is at Annexure.

**ISSUE**

Harassment and late promotion of Shri Stephen Ekka, Manager(ER), Indian Oil Corporation Limited, Northern Region, New Delhi.

**BACKGROUND**

A representation dated 31.12.2005 was received in the Commission from Shri Stephen Ekka, Manager (ER), IOCL, New Delhi regarding harassment and his late promotion by IOCL due to his social background.

He has mentioned in his representation that he joined IOCL as Officer Trainee on 18.03.1986. He was confirmed as Operation Officer on 18.03.1987 and got his first promotion as Depot Manager in Grade 'B' in 1991. He was transferred to Northern Region, New Delhi as Asstt. Manager (IR) in 1992. He felt harassed and discriminated in day to day working since he joined the Northern Region. He was never intimated about his performance or any adverse remarks in Annual Performance Appraisals.

He further stated that in 1995 he was again promoted to Grade 'C' as Deputy Manager (IR) and transferred to Head Office, Mumbai. Coincidentally, same year employees belonging to one of Association of SC/ST intensified their activities including dharana in front of Head Office. As per Shri Ekka, this caused a fall in his career. He had to face individual prejudices, dislikes, general hate redness and the same was reflected in his APRs and in promotion panel. In 1999, he was not considered for promotion to Grade 'D', though many Junior Officers of Shri Ekka were promoted. Shri Ekka was promoted to Grade 'D' in 2001. In 2005, 4 officers of HR group in Marketing Division were promoted from Grade 'D' to 'E'. Their seniority and other factors can be checked for justifying discrimination.

His other grievances were that he was not sent for any training. He was shouted at in many occasions without any reason to provoke him to do something wrong. Aggrieved with all this, Shri Ekka sent a mail to all of his senior officers to know the promotion and reservation policy of the company, but nobody replied to it.

The grievance of Shri Ekka was taken up by the Commission with CMD, IOCL vide its letter dated 02.03.2006. GM(HR), IOCL replied point wise vide their letter dated 22.05.2006, which was intimated to Shri Ekka on 10.11.2006. As per IOCL reply, Shri Ekka joined the Organization on 18.03.1987 in West Bengal. He got his first promotion to grade 'B' and posted as Depot Manager in April'91 to Orissa. He was transferred to Delhi in 1992 as Assistant Manager (IR). He got his further promotion to Grade 'C' and posted to Head Office, Mumbai in May 1995. He was again transferred back to N.R.O, New Delhi on promotion to Grade 'D' as Manager (IR) in March, 2001. He was recently promoted to Grade 'E' as Sr.Manager (ER) in March,2006 and is continuing in NRO.

IOCL have explained that all the officers are counselled from time to time and areas of improvement are discussed with them, recorded and signed by the officers. The same was followed in case of Shri Ekka also.

In IOCL, since 1989, there is a system of three tier review of APRs of all the officers to avoid any personal biasness of any superior towards his subordinates. Therefore, the biasness of superiors of Shri Ekka does not arise.

In IOCL, promotions are decided by DPC strictly on the basis of merit cum seniority basis and Protection Clause to SC/ST officers within Group 'A' is being religiously followed and is also overseen/ensured by SC/ST representative in DPC.

Shri Ekka has been sent from various trainings from time to time and a list of seven trainings is given. IOCL have mentioned that Shri Ekka has never brought out his complaint of disparity in work allocation in his appraisals during the last four years and always mentioned all facilities are available to him and he has full support of his superiors and peers. Strength and weakness of each officer are recorded in APAs and the same is shared with the officers during Annual Counseling.

Shri Ekka has got his earlier promotion in the shortest possible time superceding many officers of general category.

The subject was also discussed in the office of Hon'ble Chairperson of the Commission with CMD. IOCL on 21.12.2006. The Commission recommended that applicant (Shri Ekka) to be heard in person and his grievances should be reconsidered afresh, ATR to be submitted by IOCL within a month to the Commission. IOCL explained that all the points

raised by Shri Ekka were replied vide their letter dated 22.05.2006 and if Shri Ekka is not satisfied and would like to represent with new information he may do so for their consideration.

Shri Ekka submitted a rejoinder dated 12.03.2007 in which he has repeated his earlier stand and mentioned that he has been discriminated on the basis of his social background. Earlier, in his representation Shri Ekka has strongly mentioned that he was never intimated about his weakness so as to help him to improve upon, whereas he could not comment on IOCL reply that he was regularly intimated about his areas of improvement during Annual Counselling, in their reply dated 22.05.2006.

On a specific query by the Commission to ensure whether Protection Clause available to SC/ST candidates within Group 'A' is applied in case of Shri Ekka, IOCL confirmed vide their reply dated 24.01.2008 that Shri Ekka was not senior enough in the zone of consideration for promotion within the number of vacancies.

Again on 12.06.2008 Shri Ekka has submitted a rejoinder wherein he has mentioned that he has been discriminated due to his social origin and humbleness. In view of the above Hon'ble Vice-Chairman has decided to discuss the case of Shri Ekka with CMD, IOCL on 12.12.2008 at 3.00 p.m. in the Commission.

## **ANALYSIS**

It appears that HR policy of IOCL needs to be reviewed in respect to the objectivity of the APRs and development of skills in its employees.

## **DISCUSSION**

IOCL officers explained there is no discrimination with any ST officer. Appraisal and promotion policy is totally transparent. Except for two pages, which are confidential, complete appraisal report is shown to the individual officer during counseling. The proceedings of the DPC are totally objective and can be verified. Further all the stages involved in the process of promotion are in accordance with the prescribed instructions.

The Commission explained information asked by Shri Ekka in respect of promotion and reservation policy was not given to him. This doesn't indicate a transparent working. Further, besides counting of Shri Ekka about his deficient areas, no plan/training programme to enable him to overcome these deficient areas was ever drawn. This is contrary to the existing instructions which emphasize all out efforts for the betterment and development of the SC/ST employees. In the absence of such

plan/programme, a ST officer can't be expected to develop himself on his own.

Shri Stephen Ekka also expressed his satisfaction over the DPC proceedings. He was also satisfied with the APA system being followed in IOCL since 2005, but his complaint is about his earlier APAs.

Shri Ekka expressed that he had been transferred from Northern Region Office to State office, New Delhi, with this, he feels his growth in Human Resource area is retarded. He had been brought from a broader platform to smaller area of operations.

### **RECOMMENDATIONS**

In view of the discussion, the Commission recommends that appraisal system in IOCL may be reviewed to ensure objectivity of the APAs and also with reference to the Hon'ble Supreme Court judgment in this regard. IOCL should also arrange SAP(HR) operation training and also training in other deficient areas for Shri Stephen Ekka. IOCL may also consider Shri Ekka for posting him back to Northern Region Office.

## **ANNEXURE**

The following were present in the sitting on 12.12.2008 :

### **NCST**

1. Shri Maurice Kujur, Hon'ble Vice Chairman .....In Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director
4. Shri K. C. Behera, PS to Vice-Chairman

### **IOCL**

1. Shri G.Datta, Executive Director (HR)
2. Shri Bswajit Ray, DGM (HR)
3. Shri S. Mazumdar, DGM (HR)
4. Shri R. K. Johar, Manager (C)

### **Petitioner**

1. Shri Stephen Ekka, Sr. Manager (ER), IOCL