

Proceedings of Meeting by Shri Oris Syiem Myriaw, Hon'ble Member to Review Ministry of Railways on 05.06.2009

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

ISSUE

Review of Implementation of service safeguards and development pogrammes / schemes for Scheduled Tribes in the Ministry of Railways.

BACKGROUND

National Commission for Scheduled tribes is a body constituted in 2004 under Article 338A of the Constitution to monitor and safeguard the socio – economic development and interests of the Scheduled Tribes in India.

To discharge its function, the Commission suo-motto reviews the implementation of service safeguards and development pogrammes / schemes for Scheduled Tribes in randomly selected some Ministries and State Governments. It is the duty of the Commission to present to the President of India, its noticeable findings and observations concerning the Scheduled Tribes, in the form of an Annual Report.

The Commission had sent a questionnaire to few ministries including Ministry of Railways in May, 2008 for the purpose of collection of relevant information about the Scheduled Tribes for conducting review during 2008-09.

Shri Oris Syiem Myriaw, Hon'ble Member desired to hold a discussion with the office bearers of All India SC & ST Railway Employees Association followed by a review meeting with the officials of the Ministry on 24.03.2009 at 1100 hrs. However, Ministry of Railways intimated that compilation and tallying of information received from different zones was taking some time and therefore, requested for some more time and informed that discussion with Association could be held as per the schedule. Therefore, the review meeting with the Ministry of Railways couldn't be held during 2008-09. However, meeting with the All India SC & ST Railway Employees Association was held as per schedule.

During the discussion, Association office bearers submitted a Memorandum, concerning their issues, which was forwarded to the Ministry of Railways for their comments / position.

The position / comments from the Ministry of Railways on the issues listed in the memorandum from the Association and filled up questionnaire were received on 06.04.2009 and 02.06.2009 respectively. A request was also received from the Ministry to hold the review meeting during first week of June, 2009, if possible. Considering the request of the Ministry of Railways, Hon'ble Member decided to hold the review meeting on 05.06.2009 at 1500 hrs in the Commission.

DISCUSSION

Initiating the discussion, it was mentioned by the Jt. Secretary, NCST that the position indicated by the Ministry of Railways with regard to the reply to the questionnaire and the issues raised by the Association have been examined. Certain issues which require further clarification and discussion were taken up as summarized below:

- i) It was informed by the Railway officials that PBR and L-type rosters are being strictly followed in respect of all cadres. Earlier, the position and posts for Group 'B' and Jr. Scale Group 'A' were same, therefore, after separation since 26.11.2005, separate rosters are being maintained.
- ii) The posts reserved for ST are not given to unreserved candidates, this is the practice being followed in the Railways, thereby no dereservation is resorted to.
- iii) In accordance with the orders of the Hon'ble Supreme Court, there is no reservation in a single post cadre. The Commission recommended to club single post cadre and follow the reservation thereon.
- iv) At present, there is no promotional channel for Safaiwalas. The Commission recommended to impart training to Safaiwalas for their career development to facilitate improved promotional avenues. Railway officials agreed to take initiative in this regard.
- v) The Commission noted with concern that about 1,75,000 vacancies were existing in Railways out of which about 10,000 vacancies are reserved for STs. The Commission impressed upon the Railway officials to fill up these posts at the earliest.

It was clarified by the Railway officials that an exercise is already on to fill up the vacant posts in various cadres. In the event of non-availability of an eligible ST candidate for promotion to a vacant post, the provision exists in the recruitment rules to take care interest of STs by way of

downgrading the post to the immediate next lower level. It is expected that about 75% of ST vacancies will be filled up in the next 2 years through Special Recruitment and Special Promotion Drives. Member (OSM) observed that Railways need to intensify their efforts to further curtail down the indicated period for filling up of ST backlog vacancies.

- vi) From 2003, Railways are following a flat 7.5 % reservation for STs in Group A, B, C and D. In Group C and D, 7.5% reservation for STs is being followed irrespective of the regional reservation. This is being done as per the directive of the Hon'ble Supreme Court of India and further clarifications received from the DoP&T. The Commission requested to provide the relevant orders in this regard.
- vii) It was informed by the Railways that there was no casual labour in their Ministry. At the time of regularization / absorption of Group 'D' (substitute), reservation roster is strictly followed.
- viii) At present, there is no reservation in award of contract for big catering units. However, in respect medium catering units and small catering units, reservation of 4 % and 8% respectively is being provided to the STs. Similarly, in respect of book stalls, reservation to the extent of 4% is being provided in respect of B', 'C', 'D' 'E' and 'F' category stations but not reservation is provided in respect of A category Stations (Major Stations). The reservation for STs in major catering units is not provided because management of major units require large capital investments, technical skills and expertise to cater to large scale operations and best available professionals in the trade. Similarly, in respect of book stalls in major stations reservation is not considered for STs on the ground of professional competence, financial soundness and past experience.

JS, NCST pointed out that STs may be equally competent in terms of their professional requirements and financial strength. The Commission observed that a fair opportunity should therefore, be considered to the STs in respect of the catering contracts for major catering units and book stalls in major stations. Further, a uniform reservation of 7.5% should be applied in contracts for all category of catering units and book stalls.

- ix) It was intimated that though there is no reservation for ST candidates within the Group 'A', however, a ST candidate senior enough to be within the number of vacancies, can't be denied promotion, if otherwise not found unfit.
- x) Railway officials informed that ST candidates are given training before promotional exam / interview.
- xi) Compassionate appointments are generally settled within 3 months, but not more than 6 months.
- xii) The Commission was intimated that at present 92 projects are undertaken by Railways under socio – economic development programme, which cover tribal areas also.
- xiii) The Commission suggested the following action for improved effectiveness and transparency in implementation of reservation policy:
 - a) Computerization of rosters.
 - b) Complete computerization and integration of the Grievance redressal and monitoring system.
 - c) For SRD, examination centres should be fixed in the ST dominated areas to the extent possible.

RECOMMENDATIONS

In view of the discussion, the Commission recommended that

- i) Single post cadre should be clubbed / merged and reservation should be followed.
- ii) Proper training should be given to Safaiwalas and promotional prospects should be defined for them.
- iii) ST vacancies should be filled up at the earliest through SRD and SPD.
- iv) A copy of Judgement of Hon'ble Supreme Court of India and DoP&T clarification to follow flat 7.5% reservation in Group 'C' and 'D' in Ministry of Railways to be provided to the Commission.
- v) The Commission observed that a fair opportunity should therefore be considered to the STs in respect of the catering contracts for major catering units and book stalls in major stations. Further, a uniform reservation of 7.5% should be applied in contracts for all category of catering units and book stalls.

- vi) Following action should be taken for improved effectiveness and transparency in implementation of reservation policy:
 - a. Computerization of rosters.
 - b. Complete computerization and integration of the Grievance redressal and monitoring system.
 - c. For SRD, examination centres should be fixed in the ST dominated areas to the extent possible.

The Commission noted and appreciated the practice of following a no dereservation policy in the Ministry of Railways.

The meeting ended with a vote of thanks to the Chair.

ANNEXURE

The following were present in the meeting on 05.06.2009 :

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member.....In Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director
4. Shri R. C. Durga, Director
5. Smt. K. D. Bhansor, Dy. Director
6. Shri N. K. Kaushik, Asstt. Director

Ministry of Railways

1. Shri P. K. Sharma, Adviser (Staff)
2. Shri K. Biswal, EDE(Res.)
3. Shri Jaswant Rai, EDE(GC)
4. Shri D. M. Gautam, ED(PCI)
5. Ms. U. Khate, ED(PCII)
6. Shri Mahavir Singh, Dir.Estt(N)II