



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File Nos: (1) BCN/2/2015/MCAP1/SEOTH/RU-IV
(2) GBN/1/2016/MCAP1/SEOTH/RU-IV

Date: 10.05.2019

To,

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

Sub: (1) Representation of Shri B. Chekre Naik, All India General Secretary, FCI ST Staff & Officers Welfare Association, Hyderabad regarding issue of notional promotion in FCI.
(2) Representation of Shri G. Bheema Naik, General Secretary, FCI ST EWA, Hyderabad regarding various grievances of STs in FCI.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 28.03.2019 under the Chairmanship of Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission at the earliest.

Yours faithfully,

(Y.K. Bansa!)
(Y.K. Bansa!)
Research Officer
Ph. 24645826

Encl: As above

Copy to:

- | | |
|---|--|
| <p>1. Shri B. Checkre Naik, General Secretary, FCI, ST Staff & Officers Wel. Assn. O/o Food Corporation of India, Regional Office, 3rd Floor, HACA BHAVAN, Opp. Public Gardens, Hyderabad, Telangana -4.</p> | <p>2. Shri G. Bheema Naik, General Secretary, FCI ST Employees Welfare Association, Central Committee, H. No. 4-12-842, Dwarakamai Nagar, Vanasthalipuram, Hyderabad - 70, (Telangana)</p> |
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Copy to: - SAS, NLC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. BCN/2/2015/MCAP1/SEOTH/RU-IV
Case File No. GBN/1/2016/MCAP1/SEOTH/RU-IV

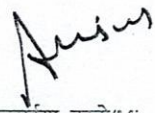
PROCEEDINGS OF SITTING HELD ON 28.03.2019 IN THE COMMISSION UNDER THE CHAIRMANSHIP OF MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NCST IN THE CASE OF SHRI B. CHEKRE NAIK GENERAL SECRETARY, FCI ST STAFF & OFFICERS WELFARE ASSOCIATION, HYDERABAD REGARDING NON IMPLEMENTATION OF GOVT. OF INDIA INSTRUCTIONS/HON'BLE SUPREME COURT JUDGMENT IN IMPLEMENTING THE RULE OF RESERVATION POLICY IN FCI AND MAINTENANCE OF THE ROSTERS INCLUDING FILLING UP OF BACKLOG VACANCIES FOR STS AND ALSO NON-RESTORATION OF ST POSTS WHICH WERE DIVERTED AND FILLED UP WITH OTHER THAN STS BY WAY OF EXCHANGE AFTER INTRODUCING POST BASED ROSTER SYSTEM I.E. W.E.F. 2.7.1997 TO 6.11.2003.

Date of sitting: 28.03.2019

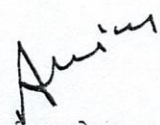
List of officers present in sitting is Annexed

Shri B. Chekre Naik General Secretary, FCI ST Staff & Officers Welfare Association, Hyderabad has submitted a representation regarding non implementation of Govt. of India instructions/Hon'ble Supreme Court Judgment in implementing the rule of Reservation policy in FCI and maintenance of the Rosters including filling up of Backlog vacancies for STs and also non-restoration of ST posts which were diverted and filled up with other than STs by way of exchange after introducing Post Based Roster System i.e. w.e.f. 2.7.1997 to 6.11.2003. Request for kind intervention and issue suitable directions to the FCI Management for considering Notional Promotions to all victimized eligible ST candidates in all cadres/grades with retrospective effect while reviewing the position w.e.f. 02.07.1997 onwards.

He further alleged that in continuation of discussions had between the Hon'ble ST Commission and FCI Management held on 16.01.2015, in which his Association office bearers also participated, the issues regarding deviations in promotions to the ST candidates were discussed at length and the Hon'ble Commission had directed the FCI management to review the promotions w.e.f. 02.07.1997 and rectify the deviations by way of issuing Notional promotions to the eligible ST officials with retrospective effect. The Commission had also advised to the Association to submit details of the specific cases of deprivation of promotions of STs. Accordingly, as recommended by the Hon'ble ST Commission, his Association had also submitted a representation to the Hon'ble Commission on 24.02.2015 with specific cases pertaining to all Zonal Offices for taking up with FCI management. But, so far nothing has been come out from the FCI Management in this regard. Further, it is to inform that CMD who has attended in the Commission's meeting on 16.01.2015 has been shifted to other department and present CMD can take action basing on the proceedings/minutes issued by the ST Commission.

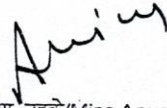

शुश्री अनुसुइया उइके/ Miss Anusuiya Uikey
उषासुत/ Vice Chairperson
रुशुडीय अनुसुउतत तनतुतत आउतत
National Commission for Scheduled Tribes
भरत सरकर/ Govt. of India
नई दुलुतु/ New Delhi

2. The NCST vide its notice dated 02.11.2015 sought a report in the case from the FCI, New Delhi. In turn, the Food Corporation of India Admn vide its letter dated 19.10.2016 has reported to the Commission that as per recommendations of the Commission and Dr. G.S. Somawat, the then Director, NCST, Jaipur, the FCI South Zone had released notional promotions to 62 ST employees from AG.II (D) to AG.1 (D) with retrospective effect from 1994 to 2000 as per their eligibility year. It was further informed that after non-permissibility of exchange of reservation between SC&ST by the DoPT on 06.11.2003, no exchange was made by the FCI South Zone.
3. As the FCI's report was found to be unsatisfactory and therefore, the Hon'ble Vice-Chairperson, NCST fixed a sitting on 28.03.2019 in the Commission.
4. In sitting, the Executive Director (Hqrs), FCI, the Executive Director (South Zone), FCI, the General Manager (PE), AGM (Law) and other Senior Officers from FCI were present. The petitioners Shri B. Chekre Naik and Shri Bheema Naik were also present.
5. At outset, the petitioners have raised the grievances of non-consideration of notional promotion in respect of ST employees working in South Zone as Assistant Grade-I (Depot) from 2003 and Manager (Depot) from 2007. It was further informed that the FCI Management had not considered promotions of ST officials to the post of Manager (Depot) even though they had completed more than 10 years of service as Assistant Grade from the year 1979 to 2000 despite huge number of ST backlog vacancies. In addition, prior to switching over to Post Based Roster there are 21 backlog vacancies were available to the post of Manager (Depot) before 2000. But no ST candidate were considered for promotion. It is pointed out that the backlog Committee formed by the FCI has also assessed the ST backlog vacancies from the year 1991 to 2007. As per Committee's assessment there were 12 ST backlog in the cadre of Manager (D) from the year 1991 to 1997, 16 ST backlog in the cadre of Manager (D) from year 1998 to 2003 and 15 ST backlog in the cadre of Manager (D) from 2004 to 2007. Thus, all backlog of ST vacancies has not been cleared and filled up from eligible ST candidates. The Association therefore, demands that the Commission may direct to the FCI management to consider notional promotion to the eligible ST candidates to the post of Assistant Grade-I (Depot) from 2003 and Manager (Depot) from 2006 as one time measure.
6. The Executive Director (South) Zone, FCI informed the Commission that as per the Commission's recommendations, the FCI Admn had promoted 62 ST employees from AG-II(D) to AG-I(D) with retrospective effect from 1994 to 2000 as per their eligibility year. In addition, after non-permissibility of exchange reservation between SC&ST by the DoPT on 06.11.2003, no exchange was made by the FCI South Zone. The DoPT O.M. dated 06.11.2003 also provides that it is possible that some posts reserved for STs might have been filled by SC candidates by exchange of reservation or vice versa before issue of this OM such cases need not be reopened. However, if number of SC or ST candidates appointed by reservation including by exchange of reservation between SCs and STs is in excess of reservation prescribed for them, such excess representation may be adjusted in future recruitment.


सुकी अनुसुइया उइके/Miss Anusuya Uikev
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसुचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

7. The case was discussed in detail. The Commission observed that earlier as per the Commission's recommendation the FCI Management has granted notional promotion to 62 ST officials against the ST backlog vacancies. Thus, the FCI has complied with Commission's recommendations. However, there is some issues pertaining to non-consideration of notional promotion in respect of ST employees working in South Zone as Assistant Grade-I (Depot) from 2003 and Manager (Depot) from 2007, which need to re-examined and considered as per rules. The Commission therefore recommends that the FCI Management may explore the possibilities of consideration of promotion of the ST officials accordingly. Grant of TA/DA to the petitioner's concerned for attending the sitting in the Commission may also be considered as per rules.

8. With these recommendations, the case is disposed of.


सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. BCN/2/2015/MCAP1/SEOTH/RU-IV
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List of participants

NCST

1. Miss Anusuiya Uikey (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Gaurav Kumar, PS to Member
4. Shri Y.K. Bansal, Research Officer
5. Shri H.R. Meena, Sr. Investigator

Officers of Food Corporation of India

1. Shri. S. Abbasi, Executive Director (Hqrs)
2. Shri R.D. Nazeem, Executive Director (South), Chennai
3. Shri Devesh Kumar Yadav, GM (PE)
4. Shri R. Anandkumar, AGM (LAW)

Petitioner

Shri B. Chekre Naik

Shri Bheema Naik