

S. P. R.



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. REVIEW/M/o FPD (FCI) 8/9/2013-खु-ख

छठी मंजिल, 'बी' विंग,

लोक नायक भवन, खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110003

To

दिनांक/ Dated: 9/2/2015

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

Sub: Representation dated 22.12.2014 received from Shri B. Chekre Naik, All India General Secretary, FCI Staff & Officers Wel. Association, Hyderabad regarding non-implementation of Post Based Reservation Roster System in FCI

Sir,

I am directed to refer to this commission's letter of even number dated 26.12.2014 on the above subject and to enclose herewith a copy of the proceedings of the sitting held in this commission on 16.01.2015 for necessary action and to send the compliance report to the commission within 30 days positively.

736-37
09/2/15
सूची विंग
15/1/15

Yours faithfully,

N. D.
(N. Balasubramanian)
Research Officer

Copy to:

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

N. D.
(N. Balasubramanian)
Research Officer

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. Review/M/oFPD/(FCI)/8//9/2013/RU-IV

Proceedings of the Sitting taken by Shri Ravi Thakur, Hon'ble Vice Chairperson, NCST. with Food Corporation of India & FCI ST Staff & Officers Welfare Association regarding implementation of Post Based Reservation Roster System in FCI

Date of Sitting: 16.1.2015

List of the officers present: (Annex I)

All India General Secretary, FCI ST Staff & Officers Welfare Association was given opportunity to place the Issues concerning policy matter before the Hon'ble Vice –Chairperson and the officers present.

Points raised by Association

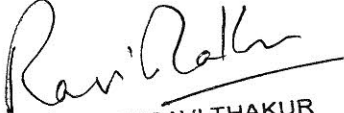
FCI Replied/Commented

1) 19 ST employees AG (D) whose seniority has been re-fixed w.e.f. 1994 and completed 12 years of service should have given notional promotion in the year 2008 under unreserved category.	Dr, G.S. Somawat Director , NCST in his inspection report had pointed out to FCI that the anomalies in the year 2007 on re-fixation of the seniority in respect of 19 AG.I (D) to be fixed w.e.f . 1994 instead of 1996 & 1997. Rectifications were made to this extent and the seniority fixed w.e.f. 1994.
2) Reservation should have been given to 07 ST employees instead of 06 ST employees against 95 inter zonal & inter cadre transfer posts in the year 2008.	In the year 2008, as there was heavy stagnation reported at AG.I (D) level in the South Zone, the FCI Hqrs. had formulated a one- time scheme to promote stagnated employees by transferring the inter zonal & inter cadre vacant posts. The sanction of 95 posts was communicated to ZO (South) wherein 06 vacancies were reserved for ST



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	<p>candidates. As the fundamental principal of the scheme is to provide promotion to the employees who had stagnated for more than 12 years in the same post, 17 ST candidates were promoted against unreserved (UR) vacancies apart from 06 ST candidates against the reserved post.</p> <p>As stated above, the cardinal principal being 12 years of service, only 06 ST candidates in the ST quota had fulfilled the eligibility and there was no 7th person who was eligible to be considered for promotion.</p> <p>Hence, the issue of 07 posts for ST even if considered would nor yield any promotion to ST candidates.</p>
<p>3) Notional promotion has been given to 03 SC candidates who had completed 10 years' service in a post; however, 12 years' service in a post was required for promotion as per Hqrs. instructions.</p>	<p>The seniority of the SC candidates was re-fixed as per the Court orders and they considered for promotions. The contention of General Secretary is devoid of complete facts and incorrect.</p>
<p>4) Financial benefits should have been given with retrospective effect to notionally promoted ST employees.</p>	<p>In cases of notional promotions, the financial benefits such as compounding of pay with increments is calculated from retrospective date but the actual financial benefits would accrue from the date of joining in the promoted post. and Notional benefit are given as per the instructions/ rules.</p>
<p>5) Promotions have not been given to ST employees due to non-availability of ACRs in FCI East Zone.</p>	<p>As per the FCI staff Regulations, 1971, an official should have at least 03 years of eligible ACRs during the intervening period of year of recruitment and year of promotion. As the said criteria has been fulfilled, the official who were recruited in the year 1997</p>


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	would become eligible only in 2001 and hence, the promotions were not considered during the year 2000.
6) Zone of consideration is being followed in the non-selection posts by the FCI East Zone.	In absence of specific year in which the rule was not complied with, ZO (East) has verified the panels for 2012 & 2013, wherein it is found that the instructions on promotions to selection and non-selection posts are complied with.
7) Notional promotion with retrospective effect w.f.e. 2000 for genuine ST candidates against the vacancies consequent to reversion of petitioner employees involved in W.P. No. 5198/2009 & 2126/2010.	<p>Consequent to the decision of the Hon'ble High Court, Nagpur Bench, Nagpur in the Writ Petition No. 5198/2009 & 2126/2010, the service of the petitioner employees (58) were protected and reverted to their position which they held on 28.11.2000. The vacancies so created were considered to be filled by other ST candidates in 2014 and FCI, Zonal Office (West) has already constituted a Committee of officers to examine the aspect of notional promotions with effect from 2000 which is time taking as the same involves preopening of all promotion panels, revision of seniority, working out of vacancies year-wise and considering the promotions on merit and reservation</p> <p>Moreover in the West Zone to consider the Notional promotion committee has been constituted. Where one of the members from SC/ST in the committee.</p>


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<p>8) With reference to non-fulfillment of backlog vacancies prior to restructuring of FCI Sanctioned Strength:</p>	<p>FCI has clarified that consequent to reduction in sanctioned strength, the reservation points were to be recalculated and DoPT vide O.M. No. 36038/1/2008/Estt. (Res.) dated 21.03.2012 has categorically stated that the backlog vacancies in FCI have to be filled keeping in view the representation of the reserved categories in the restructured staff strength.</p>
<p>9) About exchange of vacancies and restoration of the posts which were otherwise filled by SC candidates in the earlier year due to non-availability of eligible ST candidates.</p>	<p>FCI has clarified that the Govt of India's instructions issued vide O.M No. 36012/17/2002-Estt(Res.) dated 06.11.2003 adequately clarified that the posts reserved for STs which have been filled by SC candidates by exchange of reservation or vice versa need not be reopened and such cases of excess representation may be adjusted in future recruitment. This is being followed as per instructions of DoPT.</p>

Commission appreciated the zeal of FCI in implementing the Reservation policy. Commission further mentioned that Commission is here to see the implementation of rule of Reservation and policy of Government is not to be deviated. Commission advised the General Secretary of Association to submit a written representation for any other specific cases for taking up with FCI.


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List of Participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Shri S.P. Meena, Assistant Director
4. Shri H.R. Meena, Senior Investigator

Officers of Food Corporation of India

1. Shri C.Vishwanath
2. Dr. D. Bhalla
3. Shri Surender Singh
4. Shri R.D. Nazeem
5. Ms Seema Kakkar
6. Shri R.K. Chaturvedi
7. Shri G.N. Raju
8. Shri Anand Masih Kerketta

Petitioners

1. Shri. B. Chekre Naik
2. Shri N.B.Kodape
3. Shri Joy Ekka
4. Shri T.S.Meena
5. Shri Sudipta Chakma