



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

SPEED POST

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003  
6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003

Dated .....

FN.No.BCN/1/2010/MACP-1/SEPRDM/RIS-IV

11/06/2010

To,

The Chairman- cum-Managing Director,  
Food Corporation of India,  
Head Quarters, 16-20, Barakhamba Lane,  
New Delhi- 110001.

Sub: Representation received from Shri B. Chekre Naik, General Secretary, FCISTEWA, Warrangal Dist. AP regarding promotion to ST employees in the FCI South Zone under ST backlog posts from AGI (Tech) or AGI (A/C) to AG.I (D) Post.

Sir,

I am to refer to this Commission's letter of even number dated 28.4.2010 on the above subject and to forward herewith a copy of the Minutes of the Sitting held in this Commission on 13.5.2010 in the above case for necessary action.

2. It is requested to send action taken report in the matter for placing before the Commission.

Yours faithfully,

*(Mrs.K.D. Bhansor)*  
Deputy Director

Copy to-

Shri B. Chekre Naik, All India General Secretary, FCI ST Employees Welfare Association,  
O/o Food Corporation of India, F.S.D. Kazipet, Warrangal Dist.(AP) - 506003

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o/c

*(Mrs.K.D. Bhansor)*  
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Proceedings of the Sitting held in the National Commission for Scheduled Tribes (NCST) on 13.05.2010 at 11.30 A.M. to discuss the issues raised by Shri B. Chekre Naik, General Secretary, FCI ST Employees Welfare Association, Warangal, AP regarding promotion to ST employees in the FCI South Zone against ST backlog posts of AGI(Tech) and AGI(A/C) to AG.I(D).

The following were present:-

NCST

1. Shri Maurice Kujur, Hon'ble Vice-Chairperson (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri Balasubramanian, Research Officer

Food Corporation of India

1. Shri Siraj Hussain, CMD
2. Ms. Anjali Srivastav, ED(P)
3. Shri S.S. Bhatody ED (S),
4. Mrs. Shraddha Shrama, DGM CCLO
5. Shri Ved Prakash, AGM
6. Shri Desh Raj, Manager (Liaison)

Petitioner:

1. Shri B. Chekre Naik , General Seceratry, FCI, ST Employees Welfare Assosciation.
  2. Shri S.S. Kunjam
  3. Shri Vichandra Naik
  4. Shri K.V.N. Durga Prasad
- In attendance  
(permitted with the approval of the  
Hon'ble Vice-Chairperson)

**Issue:** Representation dated 07/12/2009 from Shri. B.Chekre Naik, General Secretary, FCI ST Employees Welfare Association, Warangal, AP regarding promotion to ST employees in the FCI South Zone against ST backlog posts of AGI(Tech) and AGI(A/C) to AG.I(D).

*Maurice Kujur*

मोरीस कुजुर/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

## Background

A representation dated 07.12.2009 addressed to the Chairperson of the Commission was received from Shri B. Chekre Naik, General Secretary, FCI STEWA, Kazipet, Warangal, AP regarding promotion of ST employees in the FCI South Zone against ST backlog posts of AGI(Tech) and AGI(A/C) to AG.I(D). The case was taken up with the CMD, FCI, New Delhi on 21.01.2010.

2. Dy. GM (CLO), FCI submitted comments vide letter dated 22.02.2010 informing that the grievances and suggestions of the ST Association have been examined. It was mentioned that there was huge stagnation in the Corporation prior to 2000. The situation was so grave that an employee with more than 20 years of service was stagnated in the same grade without any promotion. The staff bodies demanded ways and means to remove stagnation. Therefore, a scheme called 'Career Progression Scheme' was formulated during 2000 with the approval of the Board and the Ministry of Consumer Affairs, Food and Public Distribution. Under the said Scheme, the higher post in Cat.II & III were upgraded while entry level posts were abolished as matching savings for the upgraded posts. The main thrust of the Scheme was to promote the officials who were stagnated for more than 12 years as on 31.12.1999. The Scheme was subject to the provisions of SC/ST reservations and SC/ST candidates having less than 12 years of service were also eligible for promotion while filling up the reservation quota for SC/ST under the aforesaid Scheme. With the implementation of the 'Career Progression Scheme'-2000, thousands of Cat-II & Cat-III employees including SC/ST got promotions and stagnation to a large extent was removed. The staff bodies again represented and pointed out that despite CPS-2000, employees more than 12 years of service were left without any promotion. The staff bodies demanded that such left out stagnated employees should also be promoted so as to completely remove the problem of stagnation in the Corporation. The matter was considered by the FCI. In order to provide relief to the remaining employees including SCs/STs who were stagnated in the same post for more than 12 years, a scheme for inter-cadre and inter-zonal operation / transfer of promotional vacant posts was introduced with the approval of the Executive Committee of the Board in its meeting held on 22<sup>nd</sup> February, 2007. The above

arrangement was also subject to provisions of reservation for SCs/ STs. It was commented that the inter-cadre/ inter-zonal transfer of vacant post was meant to promote only the stagnated general candidates who completed 12 years of service is not factually correct. The arrangement was applicable to SCs & STs also and promotions were given to SCs/STs in accordance with the Scheme. As regards transfer to vacant posts in the grade of A.G.I in Accounts Cadre/Technical Cadre of South Zone to Depot Cadre for promotion of AG.II (Depot) officials of ST community who have completed 9 years of service, under the Scheme of inter- cadre operation of vacant post , it was stated that the aforesaid Scheme was a one time measure. Moreover, transfer of ST vacant post from one cadre to other cadre would mean shifting of reservation points resulting thereby imbalances in the reservation in the cadres FCI has recently received approval of Govt. on revised manpower of the Corporation. The Cadre-wise/Zone-wise/Region-wise manpower is being revised shortly. With the operation of revised manpower, vacancy position vis-à-vis reservation position would undergo change. The Corporation is seized of the matter regarding stagnation and is in the process of devising a scheme for removal of stagnation on the lines of MACPS adopted by Govt. of India.

3. The General Secretary FCI, ST Employees Welfare Association was informed of the comments of the FCI in the matter vide letter dated 03.03.2010. Subsequently, the General Secretary refuted the facts brought out by the FCI and filed a rejoinder dated 27.03.2010. The Commission considered the rejoinder and issues involving implementation of reservation policy and decided to call CMD, FCI for discussion on **13.05.2010 at 11.30 A.M.** before the Hon'ble Vice-Chairperson.

4. The CMD, FCI alongwith his officers appeared for discussion in the matter on 13-05-2010 before Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes.

5. Shri B. Chekre Naik, General Secretary of the Association was given opportunity to explain his grievances. He reported:

*Maurice Kujur*  
मॉरिस कुजुर/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जातों आयोग  
National Commission for Scheduled Tribes  
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नई दिल्ली/New Delhi

1. That eligible ST Candidates are very much available in FCI especially in South Zone, a large number of ST posts have been diverted and filled by other than ST's by way of exchange. As per K.L. Rao Committee Report during 1976, 115 ST posts (88 back log + 27 current reservation) and 27 eligible ST candidates were available for promotion. But only 7 ST candidates were considered for promotion to AG-II (D) from AG-III(D).
2. According to the instructions issued by the Government of India, if eligible ST candidates are not available at the time of DPC/ZPC, the ST vacancies should be carried forward for 3 subsequent recruitment years. But, in FCI many ST posts have been filled up with other than STs in the same year without waiting for three years.
3. According to the instructions, communicated vide DOPT OM No. 36012/2/96 Estt. (Res) dated 02/07/1997 based on the Hon'ble Supreme Court Judgment in the case of Shri R.K. Sabbarwal vs State of Punjab for implementing post based reservation roster, ST vacancies should be invariably filled by ST's only. In spite of the above instructions, hundreds of ST vacancies were diverted and filled by other than ST's even after 02/07/1997. The same was pointed out by Dr. G.S. Somawat, NCST, Jaipur when he visited FCI Zonal office, Chennai during Jan, 2007 as per the directions of the then Hon'ble Chairman, NCST.

The vacancy based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre reaches the prescribed percentage of reservation. Thereafter, the roster can not operate and vacancies released by retirement, resignation, promotion etc. of the persons belonging to the general and reserved categories are to be filled by appointment of persons from respective category so that the prescribed percentage of reservation is maintained. In FCI, especially in West Zone, though the total representation of ST's is only 0.86% against the prescribed percentage of 7.5%, the management is maintaining post based roster instead of vacancy based roster

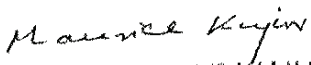
*Maurice Kujur*

मैरीस कुजुर्/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जातों का आयोग  
National Commission for Scheduled Caste  
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5. FCI West Zone had issued promotions in respect of 116 posts to the post of AG-I (D) from AG-II (D) vide O.O. No. 150/2009 dated 24/10/2009, Out of 116 posts only one ST candidate was considered for promotion as AG-I(D) that too under general category not against ST reservations quota not with standing the fact that STs representation is only 0.86 percent.
6. ST posts which were diverted and filled by other than STs by way of exchange prior to 06/11/2003 were not restored.
7. Notional Promotions were given to ST's in respect of Depot Cadre from AG-III (D) to AG-II (D) and AG-II (D) to AG-I (D) and AG-I(D) only. But further notional promotion from SG-I (D) Manager (D) and Manager (D) to AGM etc. were not given.
8. In respect of General cadre, the notional promotions from AG-III (G) to AG-II(G), AG-II(G) to AG-I(G) and AG-I(G) to Manager (General) is yet to be considered.
9. No notification was given for direct recruitment in category III & IV especially in South Zone.
10. As per the demands of the staff bodies the promotions were given to those who have completed more than 12 years of service by transferring vacant promotional posts form one zone to another zone by way of inter- cadre /inter zonal operation, In North East zone, many ST candidates stagnated in the same post for 12 to 20 years and are not being considered for promotion till date.

### Discussion

6. The CMD having heard the General Secretary of the Association stated that in FCI, Class-I posts are at all India level and the C&D level posts are operated at Zonal Levels. The FCI vide letter dated 18/22<sup>nd</sup> Feb2010 had explained the situation and position about stagnation & the scheme formulated by FCI. The CMD, mentioned that the stagnation existed in respect of all categories including SCs and STs.

  
 मोरिस कुजुर/MAURICE KUJUR  
 उपप्रधान/ Vice-Chairperson  
 राष्ट्रीय आनुवंशिक अल्पसंख्यक आयोग  
 National Commission for Scheduled Tribes  
 भारत सरकार/Govt. of India  
 नई दिल्ली/New Delhi

7. ED(S) stated that DPC's were held as per the prescribed procedure, and rules of reservation were followed in the FCI. The ED(S) further mentioned that Dr. G.S. Somawat had reviewed the implementation of reservation policy and maintenance of roster in South Zone and had given report in this regard. The ED(S) further stated that the FCI has been implementing the reservation rules in accordance with the instructions issued from time to time. The FCI had been following the instructions in the light of DOP&T OM dated 2-7-1997 about switching over to the post based roster and instructions on exchange of posts as per OM dated 06-11-2003. FCI further confirmed that all instructions regarding reservation policy were being followed in the FCI.

8. The ED(P), FCI informed that as per the Six<sup>th</sup> Pay Commission recommendations the FCI is considering and was in the process of devising a scheme for removal of stagnation on the lines of the MACPS adopted by Govt. of India. A proposal in this regard has already been submitted to the Board of FCI.

### Conclusion

9.1. The Commission noted that as reported by FCI, stagnation existed in all the cadres, and advised FCI for taking steps to improve the representation of STs in all categories/grades. FCI was also advised to formulate a HRD plans in respect of ST employees to meet the emerging requirements in future against various vacancies, so that trained ST employees could be available where the vacancies arose. The General Secretary, ST Employees Welfare Association was also advised to place his grievances before the FCI. The FCI was advised to reply to be the issues raised in the grievances within a month under information to the Commission.

9.2. The Commission also advised the FCI to expeditiously follow up their new schemes for removal of stagnation with the Ministry and appraise progress in this regard within a month.

*Maurice Kujur*

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