

Proceedings of the Sitting held on 30.01.2013 in NCST in the case of Shri R Ganapathi and others regarding discrimination in filling up the backlog post of Manager reserved for STs by AAI.

The following were present

National Commission for Scheduled Tribes

1. Smt. K. Kamla Kumari, Hon'ble Member
2. Shri Aditya Mishra Joint Secretary
3. Smt. K.D. Bhansor Deputy Director
4. Shri SP Meena Assistant Director (C.Cell)
5. Shri N. Balasubramanian Research Officer

Officers of Airports Authority of India and Ministry of Civil Aviation

1. Shri Alok Sinha, Joint Secretary, M/o CA.
2. Shri K.K. Jha, Member (H.R), AAI.
3. Shri R.N. Srivastava, GM (H.R.), AAI
4. Shri M. Natarajan, AGM (HR), AAI

Petitioners

1. Shri Lakhan Singh Meena
2. Shri Vijay Kumar Meena
3. Shri Mangal
4. Shri Arun Uikey

Background of the Case

A representation dated 01.02.2012 was received in the Commission from Shri R. Ganapathi & others regarding discrimination meted out to them in filling up the backlog posts of Manager. The AAI advertised the posts of Junior Executive Trainee in the year 2003 and according to the recruitment process, the petitioners joined in AAI in March 2006. The petitioners, on joining against the Junior Executive Trainee posts, revealed that the Parliamentary Committee had recommended to, AAI to fill up 160 backlog /shortfall

vacancies of Group 'A', but, AAI advertised the backlog vacancies for Junior Executive Trainees, which was two grade lower, and also under projected the vacancies. AAI selected the candidates who had requisite qualification and experience. The petitioner's contention was that AAI did not report the backlog vacancies of Manager- E-3 level which were around 160 as per the Report of the Parliamentary Committee. Had these 160 vacancies of Manager E-3 level would have been advertised on time alongwith the other vacancies, the eligible candidates who were available, would have applied against the posts. It was also alleged that the Management of the AAI downgraded the post of manager E-3 to Junior Executive Trainee E1 since there was no E-1 posts as per the assessment of posts and recommendation of the Parliamentary Committee.

2. NCST vide letter dated 06.02.2012 sent a Notice to the Chairman Airports Authority of India for comments and report, followed by subsequent reminders dated 01.03.2012, 04.04.2012 and 13.04.2012. Vide letter dated 25.04.2012 AAI forwarded their comments stating as under:-

- (i) Shri R. Ganapathi & Others were recruited as Jr. Executive in March, 2006 under the Special Recruitment Drive (SRD) for SCs & STs.
- (ii) The Advertisement for vacancies in the grade of Junior Executive (E-1) was published in 2003, for direct recruitment at Junior Executive (E-1) level. There was no higher induction level at that point of time.
- (iii) Two separate sets of Recruitment and Promotion Rules, which existed in 2003, were followed in two divisions i.e. National Airports Division (NAD) and International National Division (IAD) and promotions were made accordingly by applying different rules.
- (iv) Subsequently, after having a series of meetings with the Associations and the Unions and detailed deliberations on the subject, the combined R&P Rules for uniform implementation in both the Divisions were approved by the AAI's Board. Accordingly, the R&P Guidelines were issued for implementation in AAI with effect from 01.02.2005.


- (v) Further, with the implementation of the revised R&P Guidelines 2005, direct recruitments are being made at two levels- Junior Executive (E-1) and Manager (E-3).
- (vi) The issue raised by Shri Ganpati in his representation on the qualification and experience becomes null and void with the issue of revised R&P Guidelines as approved by the AAI's Board and implementation thereof with effect from 01.02.2005.
- (vii) The assurance given to the Parliamentary committee on the Welfare of SCs and STs was implemented in totality.
- (viii) Shri Ganpati's contention that being a backlog vacancy, he may be appointed as Manager instead of Junior Executive is not tenable owing to the fact that the applicants had applied for the post of Junior Executive as per the advertisement released by AAI and were also recruited against the post.

3. On examination of the reply, the Commission desired to discuss the related issues with records held by the AAI in the subject matter. Accordingly, Hon'ble Member Smt. K. Kamala Kumari fixed up Sittings but finally, the meeting could take place on 01.6.2012. The observations of the Commission in the Sitting were as under:

- (i) AAI had not followed the reservation policy in true spirit and down graded the posts of Manager to Junior Trainee and in the process had deprived the eligible SC / ST candidates to enter at the level of Manager against the backlog vacancies recommended by the Parliament Committee.
- (ii) AAI may re-examine the case and also all possibilities to redress the grievances of petitioners. The CMD, AAI assured that AAI would re-look into the matter a fresh. The Petitioners were also advised to submit their representation/appeal to AAI for consideration.



4. The Joint secretary, M/o Civil Aviation also informed that the AAI was fully empowered to change the R&P Rules commensurate with the organizational requirements and relevant rules/instructions were also followed by the AAI. He further added that a relaxation of 1-1/2 years was also given to ST employees for the post of Managers in AAI. In this Sitting Member, AAI reiterated the comments of the AAI as communicated vide AAI letter dated 30.07.2012.
5. The Commission observed that the recruitment process in respect of JET was completed in 2006, while as per the R&P Guidelines 2005, the AAI made recruitment at the level of Manager with less experience than SRD candidates and Junior Executive without any experience w.e.f from 1.02.2005. Thus, while formulating R&P Guidelines 2005 and its consequent follow-up, the interests of the candidates against SRD-2003, whose recruitment was completed in 2006, were not taken care of.
6. After detailed discussion, the Commission recommended that:
- i. AAI should establish a logic driven computerized roster management system with 3 months and host it on its website as a measure of transparency.
 - ii. Considering the grievances regarding the procedure being followed by the AAI in recruitment and promotion in the context of constitutional provisions for reservations of STs and DoPT guidelines, a detailed review of the organization on implementation of reservation policy will be undertaken within 2 months. The review will also include a meeting with the ST Associations on issues concerning ST employees. The Commission's observations as at para 5 above in the instant case would also be discussed in the proposed meeting.


क० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जगजाती आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi