

F.No.BR/6/2011/MDEF2/SEPROM/RU-IV

Proceedings of the sitting held in the NCST on 04.01.2012 at 03:30 P.M. to discuss the case of Shri. B. Raju, Manager, Bharat Electronics Limited, Hyderabad regarding promotion to the post of Deputy General Manager.

The following were present

NCST:

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Smt. K. Kamala Kumari, Hon'ble Member
3. Shri. Aditya Mishra, Joint Secretary
4. Smt. K.D. Bhansor, Deputy Director
5. Shri. N Balasubramanian, Research Officer

Officers of Bharat Electronics Limited:

1. Shri. Anil Kumar, Chairman cum Managing Director
2. Shri. Shanmukh, Director (HR)
3. Shri. Shivakumaran K.M., AGM(HR)

Petitioner

1. Shri. B. Raju, Manager, Bharat Electronics Ltd

Issue: Representation of Shri. B. Raju, Manager, Bharat Electronics Limited, Hyderabad regarding promotion to the post of Deputy General Manager.

Background of the case

A representation dated 21.7.2011, addressed to the Commission was received from Shri B. Raju, working as Manager in Bharat Electronics Limited, Hyderabad (PSU under the Ministry of Defence). Shri Raju has mentioned in his representation that he had joined BEL in the year 1989, as a Deputy Engineer against reserved vacancy for Scheduled Tribes and presently, he is working as Manager E.V since the year 2004 and according to the promotion policy in the year 2008 he had become eligible for next promotion to Deputy General Manager Grade E.VI. Since the year 2008, he had been falling in the zone of consideration for award of promotion. Shri Raju has further reported that the guidelines issued by DPE regarding concession to Scheduled Castes/Scheduled Tribes are overlooked by BEL.

2. NCST invited comments in the matter vide letter dated 6.9.2011 from the Chairman-cum-Managing Director, Bharat Electronics Limited, Bangalore. BEL furnished the comments vide letter dated 27.9.2011 informing the Commission that Shri B. Raju joined BEL, Hyderabad Unit as Probationary Engineer on 23.10.1989. Subsequently, he was promoted to Senior Engineer Grade on 01.07.1994, as Deputy Manager on 01.07.1998 and as Manager on 01.07.2004. As per Company's rules, those who complete 4 years of service in the Manager Grade would be eligible for promotion of Deputy General Manager Grade and would be covered under the Zone of consideration. On completion of the required years of service Shri B. Raju was in the zone of consideration for promotion to Deputy General Manager w.e.f. the year 01.07.2008, and as per the Promotion Policy for Executives the promotions at Senior level and above are vacancy based and only limited number of candidates are promoted each year based on the principle of relative merit. There is no reservation in the promotion at Senior Grades. However, the SC/ST candidates

who are in the Zone of consideration are given 10% weightage in API (Average Performance Index).

3. It was further clarified that as per the promotion policy, the candidates who are in the zone of consideration are assessed by the duly constituted Departmental Promotion committee (DPC) based on the number of vacancies available and suitability of the individual candidate. It was mentioned that it was not true that Shri B. Raju was not considered for promotion to next higher grade because he belongs to Scheduled Tribes Community. During the DPC held for promotion from Manager Grade to Deputy General Manager between July 2008 and July 2011, Shri B. Raju was not found suitable by the Committee and hence he was not promoted.

4. Vide NCST letter dated 12.10.2011 Shri B. Raju was informed of the reply of BEL, Bangalore. Shri B. Raju refuted the facts brought out by BEL and submitted a rejoinder to the Commission dated 2.11.2011.

5. Taking into consideration the above position, the Commission fixed up a sitting in the matter and called CMD, BEL for discussion in the matter on 4.1.2012 with all relevant original documents related to the case. The CMD along with the officers of BEL appeared before the Commission on dated 4.1.2012. At the outset, the Commission desired to know about implementation of the reservation policy in BEL. BEL was also enquired about establishment of redressal grievance management system and logic driven system for maintenance of roster. Director, BEL informed that BEL is yet to start the grievance management system etc. He further added that there is no reservation in promotion at senior grades. It was further enquired whether the instructions of the Government regarding reservation for SCs/STs in public enterprises i.e. concessions to SCs/STs in posts filled by promotion by selection within group 'A' Class I in accordance with Presidential Directive No 6/11/2004-DPE(SC/ST cell) dated 08.11.2004, issued by DPE classifying that SC/ST who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which select list has to be drawn are included in that list provided are not considered unfit for promotion. These instructions have been revised to the ceiling by the 5th Pay Commission to Rs.20,800/- and revised from time to time. Director, BEL officers informed that Shri B. Raju was beyond that ceiling of Rs.20,800/-. It was pointed out that BEL has revised pay scales vide letter of 12th May 2009 of executive board level and below Board level posts including TC personnel and according to the revised pay-scale the reservation is applicable upto scale E.VI. The petitioner also informed that he had been representing to the General Manager, BEL about his promotion. The Commission advised CMD to look into the matter and review the case of Shri Raju according to the revised pay scales of BEL according to which reservation concession is applicable upto the scale EVI from the date he was eligible and within the number of vacancies in the DPCs held since the year 2008.

6. The petitioner Shri B. Raju was advised to meet the Director (HR) to explain his case position for redressal. The Commission advised the CMD to look into the case of Shri B. Raju and report compliance to the Commission at an early date.

डा० रामेश्वर चरण / Dr. RAMESHWAR CHARAN
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली