



**COMMITTEE ON PETITIONS
(2012-2013)**

FIFTEENTH LOK SABHA

TWENTY SIXTH REPORT



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CONTENTS

	Pages
Composition of the Committee on Petitions	(iii)
1. INTRODUCTION.....	(v)
2. REPORT	
Representation received from Smt. Lachhi Devi W/o Late S.K.S. Yadav, Ex-Incharge (Communication), CCSO/SAIL regarding : Providing Employment on compassionate ground to her son, Shri Sadan Kumar Singh Yadav by CCSO/SAIL, Dhanbad.	01

ANNEXURE

(i) Minutes of the Forty Sixth sitting of the Committee on Petitions held on 11 July, 2012.	12
(ii) Minutes of the Fifty Ninth sitting of the Committee on Petitions held on 1 July, 2013.	14

COMPOSITION OF THE COMMITTEE ON PETITIONS
(2012-13)

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**TWENTY SIXTH REPORT OF THE COMMITTEE ON PETITIONS
(FIFTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Twenty Sixth Report on the representation received from Smt. Lachhi Devi W/o Late S.K.S. Yadav, Ex-Incharge (Communication), CCSO/SAIL regarding: Providing employment on compassionate ground to her son, Shri Sadan Kumar Singh Yadav by CCSO/SAIL, Dhanbad.

2. The Committee considered and adopted the draft Twenty Sixth Report at their sitting held on 1 July, 2013.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

1 July, 2013
10 Asadha, 1935 (Saka)

**Anant Gangaram Geete,
Chairman,**

Committee on Petitions.

REPRESENTATION FROM SMT. LACHHI DEVI, W/O LATE S.K.S. YADAV, EX-INCHARGE (COMMUNICATION), CCSO/SAIL REGARDING PROVIDING EMPLOYMENT ON COMPASSIONATE GROUND TO HER SON, SHRI SADAN KUMAR SINGH YADAV BY CCSO/SAIL, DHANBAD.

Smt. Lachhi Devi in her representation as received through Bokaro Steel Worker's Union *vide* letter dated 04.09.2009 had submitted before the Committee on Petitions that her husband Late S.K.S. Yadav, Ex-Incharge (Communication), Employment No.2999 CCSO/SAIL, Dhanbad died on 09.01.2008 at 1630 hrs. due to cardiac respiratory failure during duty hours. Thereafter, she applied to the Head of the Department, CCSO/SAIL, Dhanbad for providing job to her son Shri Sadan Kumar Singh Yadav on compassionate ground as per the guidelines on the subject followed by SAIL and its Units. In a similar case, CCSO/SAIL, Dhanbad had provided job on Compassionate Ground in the year 2006 to the son of Late Kailash Ravidas who had died of cardio-respiratory failure. However, despite the fact that there was no earning Member in the family, the petitioner could not get job for her son even after making repeated requests to the Company.

The petitioner had therefore, requested the Committee to look into the matter and direct the concerned Authorities to extend the benefit of employment on compassionate ground to her son as well.

2. The Committee on Petitions took up the representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation was referred to the Ministry of Steel on 11.11.2009 for furnishing their comments on the issues/points raised therein. In response thereto, the Ministry of Steel *vide* their communication dated 30.11.2009 submitted as follows:-

"The case has been examined and the Ministry have been informed by Steel Authority of India Limited (SAIL) that the case under reference is not covered under the Company's provisions for providing compassionate employment and the same has been conveyed by the Company to the family of the deceased with the advice to opt for Employee Family Benefit Scheme (EFBS) which provides financial help to the family."

3. The Ministry *vide* their subsequent OM dated 08.04.2010 elaborated the provisions, which are available for providing benefits to the family of deceased employees, as follows:-

- "(a) Clause 3.4.5.1 (f) of National Joint Committee for the Steel Industry (NJCS) agreement interalia says that, "in case of death or permanent total disablement due to accident arising out of and in course of employment, employment to one of his/her direct dependents will be provided. However, instead of employment the dependent may opt for benefits under Employees' Family Benefit Scheme (EFBS).
- (b) As per the clause 3.4.6.1 of NJCS agreement, Employee Family Benefit Scheme has been introduced to provide monetary benefit to the family members of employees in case of death or whose services are terminated on account of permanent total disablement/permanent medical unfitness. Employees who have put in minimum of one year of services in the Company and suffer death/permanent total disablement are eligible for the benefit under the scheme.
- (C) Recently, SAIL has circulated uniform Guidelines for dealing with compassionate cases at its plants and Units."

However, as regards the benefit provided to the family of the aforesaid deceased employee, the Ministry intimated that Employees' Family Benefit Scheme (EFBS) has been offered to the deceased family, but no response has been received from the family of the deceased.

4. The Committee having not being satisfied with the response of the aforesaid Ministry, decided to take oral evidence of the representatives of Ministry of Steel/SAIL. In this connection, the Ministry were asked to furnish their comments on the claim of Smt. Lachhi Devi for providing compassionate appointment to her son. In response, the Ministry of Steel in their written submission stated:-

"The guidelines / rules for dealing with cases for rehabilitation of the dependents of our employees in case of their death or permanent total disablement during their service period are flowing from the decisions taken at the level of the National Joint Committee for the Steel Industry (NJCS). The NJCS is a bipartite forum consisting of representatives both from the Employers' side as well as the Employees' side. The employees are represented through three members each from the four Central Trade Union Organizations of

INTUC, AITUC, HMS and CITU and one each from recognized trade union organizations of the main steel plants. In addition to the benefits provided in the NJCS agreements, the different plants and units of SAIL were also operating different schemes at their plant/unit level in the area of compassionate employment."

5. As regards Employees' Family Benefit Scheme (EFBS) which has emanated out of National Joint Committee for the Steel Industry (NJCS) Agreement for extending financial benefits to the deceased employees' family, the Ministry informed the Committee as follows:-

- "(a) In order to help the family to overcome the urgent financial crisis, "Employee Family Benefit Scheme (EFBS)" was introduced with effect from 01.01.1989.
- (b) On the separation of an employee from the service of the Company on account of death or Permanent Total Disablement, his nominee/the employee, as the case may be, on depositing with the Company an amount equivalent to the entire PF & Gratuity amount of the employee, would be entitled to monthly payment equivalent to his basic pay +DA, last drawn, as per the scheme. Such monthly payment shall continue till the normal date on which the employees concerned would have attained the age of superannuation, had the employee been in the service of the Company.
- (c) On the normal date of superannuation of the separated employees, the monthly payment under the scheme cease and the amount deposited with the Company under the scheme would be refunded to the employee or his/her nominee, as the case may be.
- (d) The scheme is voluntary and employees who have put in a minimum of one year service in the Company and suffer death/permanent total disablement are eligible for the benefit under the scheme."

6. On being specifically asked by the Committee to furnish in brief the case history of Late S.K.S. Yadav, the Ministry in a written submission informed the Committee as follows:

- "Late Shri S K S Yadav, nearly 59 years (DoB – 5.5.1949), Ex-Incharge, Communications at CCSO, Dhanbad was a patient of diabetes and had been under treatment for uncontrolled DM with

diabetic foot with neuropathy at Dwarkadas Jalan Memorial Hospital, Dhanbad and had also been referred to AMRI Hospital, Kolkata during October-November 2007.

- Late Shri Yadav expired on 09.01.2008.
- The death of Late Shri Yadav was on account of ailment having no causal connection with his job and accordingly the death was treated as a natural death. Hence, the case was not considered for compassionate employment under the extant rules/guidelines.
- The spouse of Late Shri Yadav was offered to avail benefits under EFBS, however, she did not opt for the same."

7. On being categorically asked by the Committee whether the deceased under reference had reported to work on the fateful day, the Ministry in their written reply submitted that as per the available records, Shri Yadav reported for his duty on 9.1.2008.

8. The Committee wanted to know the duty timings being observed by the CCSO/SAIL and also the time of death of Shri Yadav, the Ministry in a written reply submitted as follows:

"Late Shri Yadav expired at 4:30 pm on 9.1.2008 as per the certificate issued by Asstt. Director (M&HS), CCSO. Duty timings at CCSO, Dhanbad are 9:00 am to 5:30 pm."

9. When asked by the Committee as to whether the Company had informed the family members of the deceased about the reason for non-extending compassionate employment to the family of the deceased, the Ministry *vide* their written reply submitted as under:

"Smt. Lachhi Devi was informed vide letter dated 10th June 2008 that the case was not covered under the Company's provision for providing compassionate employment. She was further advised to opt for Employees Family Benefit Scheme (EFBS). A copy of the scheme was also forwarded to her."

10. The Committee enquired as to how the claim of the dependant of the deceased Late S.K.S. Yadav is not justified as per the extant Guidelines of the Company and particularly in the light of the fact that there is no earning member in the family, the Ministry in their written reply submitted as under:

"Guidelines of the Company provide for considering the cases of death or permanent total disablement due to accident arising out of and in course of employment, for appointment on compassionate grounds."

11. Drawing reference to a similar case of Shri Chandrakant Ranjan, S/o Late Kailash Ravidas who was given appointment on compassionate ground in place of his father who died of heart attack, the Committee desired to know as to why in the case of the petitioner appointment could not be extended on compassionate ground, the Ministry in their written reply submitted as under:

"The case of Late Kailash Ravidas is not similar to that of Late S.K.S. Yadav. Shri Ravidas, ex-Section Officer (Hindi) of CCSO had suffered a heart attack on 5.8.05 while on duty and subsequently expired on 6.8.05. Smt. Sharda Devi, w/o Late Ravidas, had applied for employment to her son, Shri Chandrakant Ranjan, on compassionate grounds."

12. The Committee thereafter took oral evidence of the representatives of the Ministry of Steel and Steel Authority of India Limited (SAIL) on 11.07.2012.

13. During evidence, while giving details about the criteria being followed for providing compassionate appointment by SAIL, the official from SAIL submitted before the Committee that the policy framed by our Company for giving employment on compassionate grounds is a written down policy and is in use for past many years. It was framed after discussions..... As per policy if a man meets with an accident or dies while being on duty, then we provide employment on compassionate grounds.in other case as referred by Smt. Lacchi Devi, cardio-respiratory failure was the cause. He had chest pain, he was taken to hospital and he died. In that case compassionate appointment was given, if we will give appointment in case of natural death it will make difference.

14. When the Committee particularly asked about the reason of death of the petitioner's husband, the witness submitted before the Committee that his death was caused during office hours but there was no evidence of cardio-respiratory failure.

15. To this, the Committee pointed out that the person had died during office hours and desired to know what other evidence was required to

consider his case for providing appointment? In response thereto the representative from the Ministry submitted before the Committee:-

"The agreement with the union clearly says that when there is a natural cause of death, compassionate appointment will not be given. But there are judgements saying that if the illness had occurred suddenly like it is part of the employment, then appointment can be given. Here in this case this gentleman was suffering from diabetes for a long time. He is a chronic patient. In the earlier case, there was a sudden death because of heart attack."

16. The Committee again desired to know about the real cause of death mentioned in the death certificate of Late S.K.S. Yadav by the Doctor of SAIL. The Ministry replied that it was cardio-respiratory failure but not a heart attack.

17. The Committee then asked the witness to explain in detail the meaning of the cardio-respiratory failure. In response the witness submitted:-

"Cardio is heart and respiratory is lungs. But, due to sequence of events in case of a basic disease, ultimately causing heart attack and lungs failure has not been mentioned in the death certificate."

18. The Committee took a serious objection to the manner in which two otherwise similar cases, where there had been death while on duty in the matter of providing employment on compassionate ground to one of the family members of deceased, have been treated differently. The Committee desired a categorical and well considered response from the Ministry in regard thereto. In response, the witness from the Ministry of Steel submitted:-

"This is the decision that the Management has taken. Sir, considering what you have said, we can always have a look at it."

19. The Committee thereupon made an observation that it is the fittest case because the person had died while being in service. He did not have anybody in his family as an earning member and the Doctor in his death certificate had written heart attack as the cause of death. In response the witness submitted that they will re-examine the issue and inform the Committee about the outcome.

20. Thereafter, the Ministry of Steel vide their OM dated 28.01.2013 submitted as follows:-

"Based on the deliberations held with the Committee on Petitions, Lok Sabha on 11.07.2012 and recommendations of an inter unit

committee formed thereon by Steel Authority of India Limited (SAIL) for re-evaluating the circumstances and case details, Competent Authority has approved that Shri Sadan Kumar Singh Yadav, S/o Late S.K.S. Yadav may be offered employment on compassionate grounds at CCSO subject to fulfilling the stipulated eligibility criteria and completing requisite procedural formalities."

OBSERVATIONS/RECOMMENDATIONS

21. The Committee note from the submissions made by Smt. Lachhi Devi, the petitioner that her husband, Late S.K.S. Yadav, Ex-Incharge (Communication), Employment No.2999, SAIL/CCSO, Dhanbad died on 09.01.2008 at 1630 hours due to cardio-respiratory failure during duty hours. Thereafter, she requested for appointment of her son, Shri Sadan Kumar Singh Yadav on compassionate grounds. However, her request for compassionate appointment of her son was not acceded to by SAIL/CCSO, Dhanbad.

22. The Committee took up the issue for examination and prima facie found that CCSO/SAIL have not dealt with the matter in the right perspective. The representation was accordingly forwarded to the Ministry of Steel/SAIL for their comments. The Ministry of Steel in their initial reply had submitted before the Committee that as per the Steel Authority of India Limited (SAIL), the case under reference is not covered under the Company's provisions for providing compassionate employment and the same has been conveyed by the Company to the family of the deceased with the advice to opt for Employee Family Benefit Scheme (EFBS) which provides financial help to the family.

23. The detailed examination of the policy of SAIL/CCSO pertaining to the issue reveal that the Guidelines/Rules of SAIL for dealing with cases for rehabilitation of the dependents of their employees, in case of their death or permanent total disablement during their service period flowed from the decisions taken at the level of the National Joint Committee for the Steel Industry (NJCS). The NJCS is a bipartite forum consisting of

representatives from the employers' side as well as the employees' side.

As per clause 3.4.5.1 (6) of NJCS agreement - in case of death of permanent total disablement due to accident arising out of and in course of employment, employment to one of his/her direct dependent will be provided. However, instead of employment, the dependent may opt for benefits under EFBS. Moreover, as per the clause 3.4.6.1 of NJCS agreement, Employee Family Benefit Scheme has been introduced to provide monetary benefit to the family members of employees in case of death or whose services are terminated on account of permanent total disablement/permanent medical unfitness. Employees who have put in minimum of one year of service in the Company and suffer death/permanent total disablement are eligible for the benefit under the scheme.

24. In the instant case, the Committee note that the Company had, in a similar case in the year 2006, provided appointment to Shri Chandrakant Ranjan, son of one Late Kailash Ravidas on compassionate grounds. The Committee are surprised to note that though the cause of death mentioned in the Death Certificate of Late Kailash Ravidas and that of the deceased under reference were similar, i.e. cardio-respiratory failure, the Company had dealt with these two cases differently by not providing employment on compassionate ground to son of Late S.K.S. Yadav on the grounds that, Shri Yadav was a patient of diabetes and he had been under treatment for uncontrolled DM with diabetic foot with neuropathy. The Committee are pained to find that death of Shri Yadav was considered by the Company on account of ailment

having no causal connection with his job and accordingly the death was treated as a natural death.

25. The Committee note with concern that while dealing with the case of the petitioner, the concerned authorities of CCSO/SAIL, Dhanbad did not follow the Guidelines in their true spirit because they had considered the death of Late S.K.S. Yadav as natural death despite the fact that the Doctor of the Company himself had written the cause of death in the Death Certificate of Shri Yadav as 'Cardio-respiratory failure' which was same as in case of Shri Kailash Ravidas. The Committee feel that the Authorities dealing with the case of the petitioner have drawn their own conclusion by indifferently interpreting the findings of the Doctor in the death certificate. The Committee deplore the dilatory attitude of the Authorities of CCSO/SAIL, Dhanbad in dealing with the case of the petitioner and causing unfair and undue hardship to the family for five long years, in spite of the fact that in a similar case son of the deceased employee of the Company i.e. Late Kailash Ravidas, who had also died of cardio-respiratory failure while being on duty, was given appointment on compassionate grounds.

26. The Committee, however, express their satisfaction that after the deliberations were held by the Committee with the Ministry of Steel and SAIL on 11.07.2012 an inter-unit Committee was formed by SAIL for re-evaluating the circumstances and case details. Subsequently, Shri Sadan Kumar Singh Yadav, S/o Late Shri S.K.S. Yadav has been offered employment on compassionate grounds at CCSO subject to fulfilling the stipulated eligibility criteria and completing requisite procedural formalities. The Committee would like that all the formalities in this regard may

now be completed in a time bound manner. The Committee would like to be apprised of final conclusive action taken in this regard within 3 months of presentation of this report.

27. The Committee during the course of examination of the instant representation have found that the different Plants and Units of SAIL follow different schemes at their Plant/Unit while considering the case of Compassionate employments. The Committee feel that autonomy of operating different schemes for Compassionate appointments by respective Units/Plants of SAIL might have resulted in flexibility in examining each case differently ,but however, as a result of this the Guidelines framed by the Company could not be implemented in letter and spirit as was done in the instant case. The Committee are, therefore, of the view that in the larger interest of the families of the deceased employees, it is highly imperative to ensure that all the Subsidiaries of the Company should have uniform set of standard rules/guidelines for their smooth functioning in regard thereto. The Committee feel that by doing so, the element of subjectivity in dealing with the cases of providing employment on Compassionate grounds by the respective Competent Authorities can be eliminated and no scope is left for any complaint or grouse in the matter.

NEW DELHI;

Anant Gangaram Geete,
Chairman
Committee on Petitions

1 July , 2013
10 Asadha, 1935 (Saka)

