

COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

THIRTY-FIRST REPORT



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2013 / Agrahayana, 1935 (Saka)

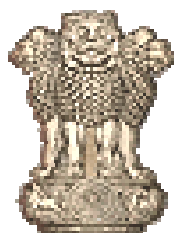
THIRTY-FIRST REPORT

COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

MINISTRY OF RAILWAYS

(Presented to Hon'ble Speaker on 04.01.2014)



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THIRTY-FIRST REPORT OF THE COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Thirty-First Report (Fifteenth Lok Sabha) of the Committee to the House on the representation of Shri Anandrao Adsul, M.P., Lok Sabha regarding : Appointment of candidates who have passed Medical Test for group `D' Posts in the Central Railway.

2. The Committee considered and adopted the draft Thirty-first Report at their sitting held on 17 December, 2013.
3. The observations / recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI ;

17 December, 2013
26 Agrahayana, 1935 (Saka)

ANANT GANGARAM GEETE
Chairman,
Committee on Petitions

REPORT

REPRESENTATION RECEIVED FROM SHRI ANANDRAO ADSUL, MP, LOK SABHA REGARDING – APPOINTMENT OF CANDIDATES WHO HAVE PASSED MEDICAL TEST FOR GROUP `D' POSTS IN THE CENTRAL RAILWAY

.....

Shri Anandrao Adsul, MP, Lok Sabha, submitted a representation to the Committee on Petitions on 10 October, 2013 regarding – Appointment of Candidates who had passed the Medical Test for appointment to Group `D' Posts in the Central Railways.

2 In his representation, Shri Adsul, inter-alia stated that Railway Recruitment Cell had notified an advertisement for filling up the vacancies of Group `D' Employees in the Central Railways for the following Posts :-

Category No.	Post	Scale	Medical Classification
1	Gangman / Trackman	2610-3540	B1
2	Khalasi (Engg/Mech/Elect/S&T)	2550-3200	B1
3	Khalasi / Workshop	2550-3200	B1
4	Khalasi / Stores General Admin	2550-3200	C1
5	Platform Porter	2550-3200	A2
6	Parcel Porter	2550-3200	C2
7	Safaiwala	2550-3200	C1

Educational Qualification was 8th Pass.

As per the Indian Railway Recruitment procedure, after completing all the recruitment formalities a panel of selected candidate is prepared by the Railway Recruitment Board / Cell and is sent to the respective Railways Chief Personal Officers. Then he has to send the panel of selected candidates for document verification and Medical Examination to the respective Division as per the requirement to this effect. After completion of the Medical Test, the Medical Fitness Certificate mentioning medical standard will be sent to the Appointing authority of

that division. Then the Appointing Authority gives the appointment to those candidates, according to his medical standard, for a particular post mentioned in the Notification for filling the vacancies.

In case of recruitment conducted by Railway Recruitment Cell for Group `D' employees vide Employment Notice No.1/07(CR Grp D) in the year 2007, after required physical test and written test, 7870 candidates were called for document verification. After verification they were sent for Medical Test to the respective Division (i.e. Solapur, Pune, Mumbai, Bhusaval and Nagpur Division) according to their preference for appointment given by them in their applications. After Medical Examination, their Medical Fitness Certificates were sent by the concerned Chief Medical Surgeon to the Appointing Authority. The only thing that remained was that the appointing Authority had to give them an appointment in respective Divisions for the posts mentioned above.

All the candidates who had cleared Medical Test were waiting for appointment since all the requisite formalities were completed for appointment of these candidates according to the Railway recruitment procedure. Railway Recruitment Cell, Mumbai declared first list of 2043 candidates on 4 April, 2012 to whom appointment was to be given. Their names were also sent to the respective Division and they were given an appointment by the appointing Authority of that Division.

On becoming aware of this partial declaration of the list to whom appointment was to be given, their organization (Sthaniya Lokathikar Samiti) met the General Manager, Central Railway on 30 April, 2012. He told that remaining candidates out of 6412 will be given appointment in a phased manner. Their Organization then

rightly pointed out that when document verification and medical examination of 7870 candidates was completed then, not only remaining candidates out of 6412 should be called for appointment but 7870 candidates who had cleared medical examination should also be given appointment because as per Railway Recruitment procedure those candidates who were sent for Medical Examination and their fitness Certificates were sent by Medical Officer to the Appointing Authority – are liable for appointment in Railways.

Shri Adsul has further stated that this was the last Notification for the 8th Pass candidates, so those candidates who are only 8 Pass and are falling in the merit between 6413 and 7870 will face great deal of hardship. Moreover, since they had undergone ahead of the Medical Examination and were declared fit, these candidates were under the impression that that they are in Waiting List for appointment. Meanwhile they left alternative job opportunities and now they are overaged. Hence they will not get other job opportunities.

It has been mentioned in the representation that a Memorandum in this respect was given by Shri Adsul, to the then Hon'ble Minister of Railways, Shri Mukul Roy, who was having positive approach in this matter. But no action was taken by the Central Railway. Once again he met GM, Central Railway who agreed to accommodate these Medical Examination passed candidates into this Panel who have not been given appointment. The GM, Central Railway further stated that it requires Railway Board's approval. Accordingly, he sent a letter dated 18.9.2012 to Executive Director (Estt) BG. Railway Board, in which it was clearly mentioned that Railway Board is requested to take a view in this matter and examine the feasibility for permitting this Railway to expand the panel to the strength of accommodating the

excess eligible candidates. The Petitioner further stated that when the Executive Director (Estt) has mentioned in his letter that these candidates are "Eligible" for appointment then Railway Board should have taken a positive view and should have communicated their approval in this matter to the Central Railway. But no initiative was taken either by Central Railway or by Railway Board. They also met successive Minister of Railways seeking their intervention in the matter.

It is further mentioned that they again met Member Staff, Railway Board who was Ex-GM, Central Railway and who had referred the matter to the Railway Board for expanding the Panel when he was General Manager, Central Railway. Even though he knew all the matter, once again he was convinced about the necessity of expanding the Panel to accommodate these 1021 medical passed eligible candidates and handed over the Memorandum on 6 August, 2013. He assured to put up the file with the positive remarks, according to the Rules to the Hon'ble Minister of Railways for obtaining his approval for expanding the Panel to accommodate these 1021 candidates. But neither the Central Railway nor Member Staff of Railway Board has taken any step in this matter, nor have given the reply in this matter to any Member of Parliament, who had handed over the Memorandum time and again in this respect.

The Petitioner finally requested the Committee on Petitions to intervene in this matter and take the entire issue of Medical Examination passed 1021 eligible candidates (waiting for appointment) in particular in broader perspective so that unemployed candidates will have faith in this system. It will give them much needed respite from social stigma of unemployment as there are number of vacancies yet lying in the Central Railway.

3. The Committee on Petitions took up the representation for examination under direction 95 of the Directions by the Speaker. Accordingly, the representation was forwarded to the Ministry of Railways (Railway Board) on 24 October, 2013 requesting them to furnish their comments on the issues raised in the representation.

4. In their response, the Ministry of Railways (Railway Board) vide their OM No.E(NG)-II/2009/RR-1/24/Pt.4 dated 20 November, 2013 submitted as follows:-

"A Notification No.01/2007 was issued for 6412 vacancies on 17.5.2007 by Central Railway for filling up vacant posts in Group 'D' category. Physical Efficiency Test (PET) of 4,62,361 (Four lakh sixty two thousand three hundred sixty one) was conducted out of which 31,396 (Thirty one thousand three hundred ninety six) candidates declared successful were called for written examination, out of these 31,396 candidates, 7870 were called for document verification / medical examination, which included around 20% candidates over and above the number of vacancies notified in terms of extant instructions on the subject. 6171 were provisionally empanelled within the limit of vacancies notified, details of which are as under :-

S.No.	Date of Publication of Panel	No. of candidates provisionally empanelled
(i)	30.3.2012	2043
(ii)	25.4.2012	2091
(iii)	21.8.2012	1604
(iv)	21.10.2012	174
(v)	25.6.2013	240
(vi)	20.8.2013	19
	Total	6171

There was a short-fall of 209 in ST category and 32 cases were pending due to miscellaneous reasons."

5 On being asked by the Committee as to whether the Central Railway conducted recruitment as per the established procedure, the Ministry of Railways (Railway Board) submitted that all recruitments to be conducted by the Railways are done adhering to the extant guidelines of this Ministry on the relevant subject. The Central Railway were also asked to adhere to these instructions.

6 On being enquired by the Committee about the total number of candidates who were finally appointed out of those who had passed the exam and were sent for Medical Test, the Ministry in their response stated that a total of 7870 candidates were called for the document verification / Medical Examination. Out of these, 6171 were provisionally empanelled.

7 The Committee specifically desired to know the action taken / being action by the Ministry of Railways to give employment to all candidates who have been found fit in all respect. To this, the Ministry submitted that all 6171 candidates empanelled will be given offer of appointment, if not done so far.

8 The Committee then specifically asked to clarify whether it was the last Notification for the 8th Pass candidates being eligible for Group `D' Posts in Railways. The Ministry thereto submitted in affirmative and stated that the qualification has since been enhanced to 10th Pass or ITI equivalent, pursuant to acceptance of recommendation of Sixth Central Pay Commission.

9 When enquired about the number of Group `D' posts lying vacant as on date in the Central Railway, the Ministry in their written submission stated that occurring and filling up of vacancies is a continuous process and vacancies are likely to exist at any given point of time owing to superannuation, promotion, death etc. However,

Central railway had notified 3840 vacancies in Pay Band-I (Grade Pay Rs.1800) accruing during the calendar year of 2014.

10 In response to a query by the Committee that in spite of vacancies existing in Group `D' category in the Central Railway, why is it not be feasible to appoint all these 7870 candidates who were selected by the due process and empanelled after document verification and Medical Test, the Ministry submitted in a written submission as follows :-

"Open market recruitment was conducted in terms of a policy which is applicable to all Zonal Railways on pan-India basis and other Zonal Railways have resorted to the same guidelines for conducting recruitment during relevant period. Vacancies once notified is sacrosanct once the process is completed and it cannot be changed. Further, recruitment process has been completed for the next cycle of vacancies occurring up to 31.12.2012 by all Railways with same condition of 20% extra to be called as reserve. Also, written test are being conducted for another cycle of vacancies up to 31.12.2013 and are in process with qualification of 10th or ITI or equivalent. Moreover, vacancies for the calendar year 2014 have already been notified."

11 In reply to a question about the details of action taken on the orders of the Hon'ble Railway Minister and letters written by Hon'ble Member of Parliament, the Ministry submitted that the issue was taken up on the instance of Central Railway making up reference dated 18.9.2012 to this office which was replied to on 26.10.2012. Again on receipt of references dated 20.8.2013, the matter was re-examined and Central Railway was asked to follow instructions dated 26.10.2012.

Besides this, reference was received from Hon'ble Member of Parliament and Shri Bhausahab R. Wakchare, Member of Parliament on 27.9.2013.

12 Subsequently, the Committee took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 22 November, 2013. While updating the position, the witness submitted before the Committee that as on date 5774 persons have joined duty and it is expected that remaining candidates will also join by January, 2014.

13 While giving the background of the case, the witness further submitted before the Committee that in 2007 when Notification was issued for these posts, the minimum qualification was kept as 8th Pass. After process of large number of applications i.e. 4 lakh and 62 thousand, candidates were invited for physical test. This processing of applications took time. In the meanwhile in the year 2008, Sixth Central Pay Commission Report came, by which 10th Pass was kept as minimum qualification for these posts. At that time Railways were left with two options i.e. either to nullify the whole process undertaken so far and issue fresh Notification inviting 10th Pass candidates. However, since lakhs of applications had already been processed and there were already large number of vacancies, it was thought to seek exemption not only in case of Central Railway recruitment but for All India Railway Recruitment. Thus, a Cabinet Note was prepared for seeking one time exemption by stating that the on-going selection procedure may be continued because there are already large number of vacancies and half of these vacancies fall under safety category. The Cabinet considered this in its sitting held on 8 October, 2009 and gave one time exemption for on-going selection of 8th pass candidates very clearly restricting the total number also. At that time the selection

was for 47,000 posts for which Cabinet gave permission. Secondly, 20% extra selection is made in all selections made by the Railways. This is only to take care of any drop-outs and out of 1400 extra in this case, 104 have already been taken because of the drop-outs.

He further submitted that there may be some more shortfall i.e. may be 50-100 more can be taken from these reserved candidates but in any case the limit of 6412 can not be crossed. This is the policy and there has been no deviations from this.

14. On the observation of the Committee to approach the Cabinet for seeking exemption for the remaining 1021 candidates who are left with no more future options to apply because of raising minimum qualification from 8th Pass to 10th Pass post Sixth Central Pay Committee in 2008 and crossing their age-bar, the witness responded as follows :-

"That was being handled for the first time, such a big recruitment on a common basis. Secondly, because of the qualification getting changed, everything got the set back of two years. A lot of discussions took place as to what is to be done and then we took an unusual step of going to the Cabinet and seeking exemption. That exemption was specific for 47,000 vacancies on all-India basis including 6,412 for the Central Railways. That notification is very specific. I have got a copy of that Notification which very specifically says that this is the one time exemption being given to on-going process of selection. That also mentions specifically for 47,000 vacancies. This was on 8th October, 2009. Question also will arise as to why only for this selection. We have done three selections. Why not this 20 per cent extra which I have

called in this selection for a job? The problem of 8th class and 10th class will not be there. People have expectations for a job. Having qualified in the exam they will say if this rule is done there, do here also. Why only for this group D? This applies to all recruitment. It is difficult for me, I would like to submit before this Committee, to make exemption of this type where I have already made an exemption, got the approval from the Cabinet for one time exemption for a specific thing. Now, what would be the logic for going to the Cabinet again? I have done two selections after that and that will then apply there also equally. So, it is a very difficult situation for us to do it. We appreciate the concern and agree with you on the issue of this 8th pass and 10th pass. Those who get selected earlier. They had expectations and now they cannot come. People have joined from recruitments done after that also."

Observations / Recommendations

15 The Committee note from the submission made by the Petitioner that the Central Railways in the year 2007 had advertised 6412 vacancies of Group 'D' category. Subsequently, 7870 candidates had cleared main examination and they were sent for Medical Test. At the time of advertisement of the vacancies, the qualification laid down for the said category posts was 8th Pass which was later on raised to 10th or equivalent as per the recommendations of the Sixth Central Pay Commission. Candidates who had passed main examination as well as Medical Test and after verification of their documents, their Medical Fitness Certificates were also sent to respective Railway Division for appointment. Since, the Minimum Qualification for the posts of Group 'D' category has been raised to 10th pass or equivalent, the candidates who are only 8th Pass and are falling in the merit between 6413 and 7870 and who had passed main examination and Medical Test and are waiting for their appointment in the Railways, now stand no other chance to get a Government job. Moreover, most of them have also become over-aged. In this regard, Shri Adsul and other Members of Parliament had approached the Minister of Railways, Member (Staff), Executive Director (Estt), GM, Central Railway and other Railway Authorities on different occasions with the request to accommodate remaining candidates also, who had passed the Medical Test etc. and were in the waiting list for getting their appointment in Railways. Since then all the Railway Ministers have shown a positive approach towards the whole issue but still the matter stand neglected for a long time by the

concerned Authorities in the Railway Board. The Petitioner has, therefore, requested that the left out candidates may also be given employment in Railways.

16 In their submission, however, the Ministry of Railways (Railway Board) informed the Committee that the Railway Recruitment Cell, Central Railways had issued a Notification No.01/2007 dated 17 May, 2007 for the recruitment of 6412 vacancies by Central Railway for filling up posts in Group `D' category. Physical Efficiency Test (PET) of 4,62,361 candidates was conducted, out of which 31,396 candidates were declared successful. From amongst the successful candidates, 7870 candidates were called for document verification / medical examination, which included around 20% candidates over and above the number of vacancies notified in terms of extant instructions on the subject. Out of that, only 6171 candidates were provisionally empanelled within the limit of vacancies notified. Thus, there was a short fall of 241 candidates (209 vacancies due to shortfall of ST candidates and 32 cases were pending due to miscellaneous reasons).

17 The Committee were informed that, when the Notification for 47,000 Group `D' category posts was notified, for all over India, the Minimum Qualification was kept as 8th pass. Since large number (4,62,361) of applications were received, processing of these applications took time. Meanwhile, in the year 2008 the Sixth Central Pay Commission Report came, in which 10th pass was kept as Minimum Qualification for appointment to Group `D' posts. Since, large number of applications had been processed and also

there were large number of vacancies out of which half of these vacancies fell under safety category, the Ministry of Railways prepared a Cabinet Note for seeking one time exemption to complete the on-going process of selection of Group `D' posts with 8th pass qualification. The Cabinet considered the matter in its sitting held on 8 October, 2009 and gave one time exemption for the on-going selection process, very clearly restricting the total number of 47,000 posts.

18 The Committee were also apprised by the Ministry that vacancies notified at one point of time are treated as sacrosanct once the process is completed and these can not be changed. Further, the recruitment process has been completed for the next cycle of vacancies occurring up to 31 December, 2012 by all the Railway Zones with same condition of 20% extra to be called as reserve. Also written tests are being conducted for another cycle of vacancies up to 31 December, 2013 and are in process with qualification of 10th pass or ITI or equivalent. Moreover, the Central Railway have notified 3840 number of vacancies for the calendar year 2014.

19 The Committee are concerned to note that even after lapse of more than six and half years i.e. from the date, the Notification was issued viz. 17 May, 2007, only 5774 candidates have joined duty out of 6412 Notified Vacancies and remaining candidates will join by January, 2014. Even when the recruitment procedure of 2007 Notification has not been completed as yet, the Railways have issued its subsequent Notifications periodically thereby notifying Group `D' category vacancies for the calendar years 2012, 2013 and

2014 and completed recruitment process for the vacancies occurring up to 31 December, 2012. The Committee feel that this delay in completing recruitment of the remaining empanelled candidates is not only causing them mental agony and financial loss but they may also be losing on account of their seniority for no fault of theirs. The Committee are, therefore, of the view that the recruitment procedures of the Railways needs to be systematic and streamlined so that the candidates selected first get first appointed. The Committee, therefore, strongly recommend that the Railways should evolve a better Organised system of recruitment. The Committee also recommend that Central Railway should recruit all the remaining empanelled candidates out of 6412, on priority and the seniority of all these 6412 candidates should be fixed above those candidates who were selected vide Notifications issued subsequently.

20 The Committee further note that as per Railway Recruitment process / Guidelines, 20% candidates over and above the notified vacancies is made in all sections, so as to take care of any drop-outs. Thus, in the instant case also 7870 candidates were called for document verification and medical test as against 6412 notified vacancies. The Committee have further been apprised by Member (Staff), Ministry of Railways during the course of oral evidence that, out of the remaining candidates i.e. whose merit is at serial number 6413 and beyond, 104 number of candidates have already been accommodated because of drop-outs and some more can be taken from the reserved list depending on the shortfall, but the limit of 6412 cannot be crossed.

21 The Committee are however, concerned to note that since the remaining 1021 candidates (number of candidates as mentioned by the Petitioner in his representation) had also qualified all the selection parameters viz. written test, document verification and medical test and their names were also forwarded to the respective Division of their choice have been waiting since then for their selection over all these years. Moreover, positive response had always been given by the respective Authorities whenever their issue was discussed by the Petitioner and other Members of Parliament with the successive Railway Ministers, Member (Staff), GM (Estt), Ministry of Railways further raising their hope of being getting recruited. The Committee also feel that normally, wherever candidates are sent for medical examination and found fit, they all are normally considered for appointment. However, in the instant case, the Committee feel inclined to understand and appreciate that this happens to be the last batch for the 8th pass candidates as post Sixth Central Pay Commission, the eligibility for Group `D' posts has been raised to 10th pass or ITI or equivalent. Thus, these 1021 candidates would not be able to meet the eligibility criteria for any future recruitments. Moreover, since their recruitment process is still continuing and around 104 candidates have already been appointed from amongst the reserved candidates, this has further raised their hopes. As a result, these candidates have not taken any other jobs and have reduced their chances of recruitment further because they have crossed the prescribed age for the purpose. The Committee are, therefore, of the firm view that the case of these candidates needs a more sympathetic consideration for their appointment in the Central Railway.

22 The Committee take note of the fact that in the year 2008 when the Sixth Central pay Commission came, 10th pass was kept minimum qualification for appointment of Group `D' posts. Since more than 4 lakhs of applications were processed with regard to appointment of aforesaid batch of 6412 Group `D' vacancies, Railways approached Cabinet for seeking onetime exemption to complete the ongoing process of appointment with 8th pass qualification. The Committee appreciate that with the efforts made by Railways 5774 candidates have already joined and more are likely to join but not beyond 6412 i.e. the number of vacancies against which the recruitment was done. The Committee feel that remaining approximately 1021 candidates after qualifying all the selection parameters, who are waiting for their selection, need sympathetic consideration. Nevertheless, the Committee firmly believe that employment prospects of the candidates who have already been declared medically fit should not be put in jeopardy by denying them the opportunity for appointment in the Central Railway. The Committee, therefore, strongly recommend that the Ministry of Railways should approach the Cabinet with a clear mind and with humanitarian and sympathetic consideration and seek an exemption for recruiting the remaining 1021 candidates or may be even less number because some of them have already been recruited because of the drop-outs. The Committee would like the Ministry of Railways to attach utmost urgency in preparing a Cabinet Note to this effect so that the candidates who are left with no other chance of recruitment in Railways or some other Department being only 8th pass and age-barred are considered for employment.

The Committee would like to be apprised of the conclusive action taken in the matter within 3 months after presentation of this Report to Lok Sabha.

NEW DELHI

**17 December, 2013
26 Agrahayana, 1935 (Saka)**

**Anant Gangaram Geete
Chairman
Committee on Petitions**