

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2011-2012)

(FIFTEENTH LOK SABHA)

NINETEENTH REPORT

ON

MINISTRY OF CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION (DEPTT. OF
FOOD & PUBLIC DISTRIBUTION)

Action taken by the Government on the recommendations contained in the Third Report (Fifteenth Lok Sabha) on "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India".

Presented to Lok Sabha on 15.03.2012

Laid in Rajya Sabha on 15.03.2012



LOK SABHA SECRETARIAT
NEW DELHI

15th March, 2012 /, 25 Phalguna 1933 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (2011-2012)**

Shri Gobinda Chandra Naskar - Chairman

MEMBERS

Lok Sabha

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3. Smt. Santosh Chowdhary
4. Smt. Jyoti Dhurve
5. Shri Biren Singh Engti
6. Shri Prem Chand Guddu
7. Smt. Paramjit Kaur Gulshan
8. Dr. M. Jagannath
9. Shri Mohan Jena
10. Shri Mohinder Singh Kaypee
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12. Shri Pradeep Majhi
13. Shri Bharat Ram Meghwal
14. Shri Ashok Kumar Rawat
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28. Shri Ishwar Singh
29. Miss Anusuiya Uikey
30. Shri Veer Pal Singh Yadav

Secretariat

1. Dr. R.K.Chadha, Joint Secretary
2. Shri S. Chatterjee, Additional Director
3. Ms. Pooja Kirthwal, Committee Assistant

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the report on their behalf, present this Nineteenth Report (Fifteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Third Report (Fifteenth Lok Sabha) on the Ministry of Consumer Affairs, Food & Public Distribution (Deptt. of Food & Public Distribution) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India".

2. The draft Report was considered and adopted by the Committee on the 1st March, 2012 (Appendix-V).

3. The Report has been divided into the following chapters:-

- I. Report
- II. Recommendations/observations which have been accepted by the Government.
- III. Recommendations/observations which the Committee do not desire to pursue in view of replies of the Government.
- IV. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Third Report (Fifteenth Lok Sabha) of the Committee is given in Appendix-VI. It would be observed therefrom that out of 20 recommendations made in the report, 8 recommendations i.e. 40 per cent have been accepted by the Government. The Committee do not desire to pursue 8 recommendations i.e. 40 per cent of the total recommendations in view of the replies of the Government. There are 4 recommendations i.e. 20 per cent in respect of which replies of the Government have not been accepted by the Committee and require further reiteration.

New Delhi;
15th March, 2012
25 Phalguna, 1933 (Saka)

GOBINDA CHANDRA NASKAR,
Chairman,
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes.

CHAPTER – I

REPORT

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Third Report (Fifteenth Lok Sabha) on “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India”.

1.2 The Third Report was presented to Lok Sabha on 2nd December, 2009. It contained 20 recommendations/observations. The Committee while deliberating upon the draft action taken report on the subject during their sitting held on 7th June, 2011 observed that some of the replies to these recommendations/observations were non-affirmative and needed clarification. The Committee, therefore, took fresh evidence of the representatives of the Ministry of Consumer Affairs, Food & Public Distribution (Deptt. of Food & Public Distribution) and Food Corporation of India on 27th June, 2011. Subsequently an additional list of points was forwarded to them for furnishing their Action Taken Replies. The Action Taken Replies of the Government in respect of these recommendation/observations have been examined and categorized as under:-

- (i) Recommendations/Observations which have been accepted by the Government (Sl. No. 3, 6, 7, 8, 14, 16, 18 and 19).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 5, 9, 10, 11, 12, 13, 15 and 20).
- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 1, 2, 4 and 17).
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received (NIL).

1.3 The Committee will now deal with the Action Taken by the Government on those recommendations which need reiteration or comments.

BOARD OF DIRECTORS

Recommendation (Sl.No. 1, Para No.1.12)

1.4 The Committee note that as on 4.7.2007, the Board of Directors comprised Chairman & Managing Director (FCI); three Directors of Central Ministries dealing with Food, Finance and Co-operation; MD, Central Warehousing Corporation (CWC) and one non-official Director. The Committee note with concern that as on 4.7.2007 five posts of non-official Directors were laying vacant. The Committee also regret that none of the present incumbent on the Board of Directors belongs to SC/ST communities and even the records of past details of persons belonging to SC/ST in the Board are not available with the Government. Whereas the Committee note that no constraints/difficulties are faced by the Government while appointing atleast one SC/ST person on the Board yet, the Committee fail to understand Government's inaction in the matter. The Committee, therefore, recommend that concerned Ministry should ensure that posts of non-official Directors on the Board do not remain unfilled for long and also urge both the Ministry of Consumer Affairs, Food and Public Distribution and FCI to ensure representation of atleast one SC/ST member on Board of Directors in future to deal with issues related to SC and ST employees and in all other matters of FCI. The Committee should also be apprised of the latest composition of the Board of Directors.

Reply of the Government

1.5 The appointments to the Board of Directors of the FCI are done as per the Food Corporations Act, 1964 as per which the appointments are to be made irrespective of the caste status of the person.

1.6 As per Section 7 of the Act the composition of the Board of Directors of FCI is as follows:

- (a) a Chairman
- (b) three directors to represent respectively the Ministries of the Central Government dealing with-
 - (i) food
 - (ii) finance, and
 - (iii) co-operation;
- (c) the managing director of the Central Warehousing Corporation established under section 3 of the warehousing Corporations Act, 1962 (58 of 1962), ex officio;
- (d) a managing director;
- (e) six other directors.

The present composition of the Board of Directors of the FCI is as under:

- Shri Siraj Hussain, Chairman & Managing Director, FCI
- Shri B.B. Pattanaik, Managing Director, CWC
- Shri Rakesh Garg, Joint Secretary
- Shri Desh Deepak Verma, AS&FA
- Shri Mukesh Khullar, Joint Secretary

Updated Action Taken reply

1.7 The composition of the Board of Directors of the FCI as on 16.06.2011 is as follows:-

1. Shri Siraj Hussain, Chairman & Managing Director, Food Corporation of India, Headquarters, New Delhi
2. Shri T.S. Randhawa, Addl.Secy.& F.A., M/o CAF&PD, Krishi Bhavan, New Delhi. representing Finance from the Ministry of Central Government.
3. Shri Naveen Prakash, Joint Secretary (Stg.), M/o CAF&PD, Krishi Bhavan, New Delhi representing Food from the Ministry of Central Government.
4. Shri Mukesh Khullar, Joint Secretary, Ministry of Agriculture, Krishi Bhavan, New Delhi representing Agriculture & Cooperation from the Ministry of Central Government.
5. Shri B.B. Pattanaik, Managing Director, Central Warehousing Corporation, Hauz Khas, New Delhi
6. Shri D.S. Grewal, Secretary (Food), Govt. Of Punjab, Mini Secretariat, Room No. 410, 4th Floor, Sector-9, Chandigarh. As other Director.

Five posts of other Directors are vacant and processing for their appointment is being done.

1.8 During evidence the Committee specifically enquired as to what action has been taken by the Ministry in regard to recommendation made by the Committee for including one SC/ST member on the Board of Directors of FCI to which the Secretary, Department of Food and Public Distribution stated that:-

“Sir, there are vacancies on the Board of Directors of the Food Corporation of India. The Department of Public Enterprises have issued guidelines, and they are mandatory now. They say that as per those guidelines, the appointments should be made. So, our Ministry is in the process of recommending the panels of names. We have to recommend the panels to the Department of Public Enterprises. Then, it goes to the Public Enterprises Selection Board. Sir, the selection takes place there. Then, it comes back to our Department, and then our hon. Minister has to appoint the Directors”

1.9 He further added:-

"The process is going on. We shall give due regard to the observations of the Committee. I can give you one instance, where the predecessor of Shri Siraj Hussain was from the Scheduled Tribe category. So, we will definitely give due regard to the recommendations of the Committee."

1.10 The Committee desired to know about the guidelines that have been framed by Government, to which the Secretary replied:-

“.....I would like to submit to the Committee that the guidelines do not make any mention of whatever has been recommended by the Committee.”

1.11 Further the Secretary stated:-

“Sir, they are not specific for our Department. They are for the entire Government. They are guidelines issued by the Department of Public Enterprises. So, they have set the guidelines. The panels of names would be put on the website as well as on the record by the Department of Public Enterprises and the Public Enterprises Selection Board. There will be eminent academicians; there will be eminent persons who have served in the public sector undertakings. There are some accountants, some people in the public life also. Their list would be drawn up and kept there. So, the only job of the Department is that ‘we shall pick up three names for each vacancy.’ For example, if there are four vacancies, we shall pick up three names for every vacancy and just forward it to the Department of Public Enterprises. There is a Search Committee or any such Committee. They will pick up for one, two, three names. Then they will send it to us. We are supposed to appoint them with the approval of the Appointment Committee of the Cabinet. These are the guidelines.”

1.12 When the Committee expressed doubt about any candidate from SC/ST categories being included in the panel, the Secretary, Department of Food and Public Distribution explained:-

"..... the panel is maintained by the Department of Public Enterprises. We fully agree with you that the prominent people are available. I have only stated that those guidelines have been made mandatory, now. So, our choice is confined to the people on the panel. So, the people go and get themselves empanelled. But it is the Department of Public Enterprises, which maintains the list. It is very important that the people whom we consider competent and who are fulfilling the requirement, should be there on the part of the panel. In that case, we shall also be free to pick up the people. But if the people are not there at panel, then as per the guidelines, our hands are tight."

1.13 Having noted that the post of non-official directors on the Board were vacant, the Committee in their written queries further enquired about the reason for keeping these post vacant for a long time and the authority responsible for appointment/ nomination of non-official directors. The Committee also enquired about the criteria for their selection and by what time they intend to fill the vacant posts of non official directors and whether the Government propose to nominate any SC/ST incumbent for such posts.

1.14 In their post evidence reply, the Ministry stated that at present five posts of Directors are vacant in the Board of FCI. Appointment of Independent Directors are to be made as per guidelines on corporate governance for Central Public Sector Enterprises (CPSEs) which were issued by Department of Public Enterprises (DPE) only in May, 2010 and the appointment process is a lengthy process. It was also stated that the proposals for appointment of Independent Directors on the Board of CPSEs are initiated by the concerned administrative Ministry/Department. The selection of the Independent Directors is made by the Search Committee / PESB and the concerned Ministry/Department appoints the Independent Director on the recommendations of the Search Committee/ PESB after obtaining the approval of ACC. For appointment to the post of Independent Directors on the Board of CPSEs the DPE lays down certain criteria

specifying the age (45 to 60 years), qualification and experience. As per the guidelines, persons of eminence with proven track record from industry, business or agriculture are only to be considered. The DPE maintains a data bank of such persons suitable for appointment to the post of Independent Directors in the CPSEs. It was also stated that the appointment to the vacant posts of other directors on the Board of Directors of FCI is being processed and are done as per the Food Corporations Act, 1964 and the DPE guidelines according to which the appointments are to be made irrespective of the caste status of the person.

Comments of the Committee

1.15 The Committee note that only six out of 12 members are on the Board of Directors of FCI. The Committee are dismayed at the lukewarm response of the Government in the matter of appointment of independent Directors on the Board of Directors. The lengthy procedure of appointment is often cited as the reason for delay in appointment of Directors. It is stated that the guidelines on appointment of independent Directors have been issued by Department of Public Enterprises which are mandatory for PSUs to follow. The Committee regret despite their recommendation in their report presented to Lok Sabha on 2nd December, 2009, that the Ministry should ensure that the posts of Non-official Directors on the Board do not remain unfilled for long and the Ministry and FCI to ensure representation of one SC/ST members on the Board of Directors of FCI, the Government have neither cared to fill up all posts of Directors on the Board of FCI nor taken into account the recommendations of the Committee while framing guidelines for appointment of Directors in May, 2010 for inclusion of SC/ST member on the Board of Directors. The Committee are of the view that databank mentioned by DPE also include the suitable SC/ST candidates for the post of

Independent Directors. The Committee, therefore, strongly reiterate their earlier recommendation and instruct the Ministry to draw a list of suitable SC/ST candidates for the post of Non-official and Independent Directors and complete the process of appointment within a stipulated time period. The Committee should also to be apprised in this regard at the earliest.

Recommendation (Sl. No. 2, Para No. 2.13)

1.16 The Committee note that appointment procedure for direct recruitment to various grades is laid down under Regulation of the FCI (Staff) Regulation, 1971. The percentage of reservation for SCs and STs in Category I and II posts is reported to be 15% and 7.5% respectively while in Category III and IV, the percentage of reservation for recruitment differs from State to State/UT as determined by the Government. The Committee note that reservation orders are applicable to all category of posts in FCI except the posts of Chief General Manager (CGM) and Executive Directors (EDs) as these are senior Class I posts and are generally filled either by promotion of executives within the organization or by taking deputationists. The Committee do not agree with this reply of the Government, since, there is a Constitutional provision under Article 16(4A) which says that “Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State are not adequately represented in the services under the State”. The Committee would like to know why the posts of Chief General Managers and Executive Directors have been left out of the purview of reservation. In such a situation, how the representation of SCs and STs as 15% and 7.5% prescribed for all categories of posts is ensured in FCI. The Committee feel that allowing such situation to prevail in the FCI amounts to violation of provisions of the Constitution made for the welfare of SCs

and STs. In view of above proviso of the Constitution, the Committee strongly recommend to Government to take necessary steps so that reservation is made applicable to all categories of posts. As per the procedure as laid down under Regulation 9 of the FCI (Staff) Regulations 1971, for making appointment to Category I and II posts, the vacancies are notified to Regional Employment Exchanges as also advertised in prominent newspapers and Employment News. Similarly, recruitment to Category III and IV posts is made through local employment exchanges and through newspapers. Despite the exercise, the Committee note that FCI has not been able to fill up the SC/ST posts during the year in which these had occurred. As a result, over the years the backlog of SC/ST posts have accumulated. The reason for not filling up SC/ST posts is that FCI conducts direct recruitment only on approval from the Ministry. It has been reported that 907 posts of SC/ST in different categories were advertised during the year 2005 under Special Recruitment Drive. Yet, the Committee note that in the year 2006, the SC and ST posts were carried forward in all categories of posts. The Committee would like to know why such a large number of SC/ST vacancies persist in FCI. The Committee strongly recommend that the FCI should make all out efforts to fill up all posts reserved for SCs and STs in all categories within a time frame. The Committee also recommend that the FCI should provide the details of recruitment carried out in the years 2007, 2008 and 2009 as requested by this Secretariat in their O.M. No. 20/1/1/SCTC/2007, dated 16th April, 2009. The Committee should also be provided with the number of employees who took Voluntary Retirement Scheme in the year 2005-06 as also the number of SCs and STs out of them.

Reply of the Government

1.17 FCI has reported that as per Regulation 11 of FCI (Staff) Regulations, 1971, the reservation in appointment in the services of the Corporation are to be provided to

Scheduled Castes and Scheduled Tribes as per the directions of the Govt. of India issued from time to time.

1.18 FCI has informed that accordingly, reservation is provided to the Scheduled Castes and Scheduled Tribes in promotions up to lowest rung in Category-I in the Corporation. In promotion by selection to the posts within Group-'A', there is no reservation. The post of Chief General Manager (CGM) and Executive Director(ED), are senior level Category-I posts and the reservation is not applicable to these posts. However, the SC/ST Officers who are in the Zone of Consideration on the basis of seniority are considered for promotion without reference to prescribed bench mark provided they are not assessed as unfit. Thus, the Corporation is following the Govt. instructions on reservation. It is pertinent that at present out of 7 Executive Directors from FCI cadre, 2 are SC.

1.19 The detail of recruitment carried out in the years 2007, 2008 and 2009 is as under:-

Consolidated position

Year	Cat. of posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	Number of vacancies reserved for SCs			No. of SC candidates appointed	Number of vacancies reserved for STs			No. of ST candidates appointed	Number of vacancies carried forward	
				C/F from previous year	Reserved during the year	Total		C/F from previous year	Reserved during the year	Total		SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13	14
2007	I	113	-	23	2	25	-	8	2	10	-	25	10
	II	164	171	200	17	217	90	115	8	123	49	127	74
	III	530	180	265	27	292	81	260	32	292	99	211	193
	IV	361	77	308	39	347	77	168	27	195	-	270	195
	Total	1168	428	796	85	881	248	551	69	620	148	633	472
2008	I	122	-	25	-	25	-	10	-	10	-	25	10
	II	189	72	127	19	146	29	74	7	81	16	117	65
	III	952	67	211	100	311	37	193	61	254	20	274	234
	IV	586	50	270	58	328	23	195	48	243	27	305	216
	Total	1849	189	633	177	810	89	472	116	588	63	721	525
2009	I	116	67	25	-	25	8	10	-	10	3	17	7
	II	55	3	117	3	120	1	65	1	66	-	119	66
	III	707	4	274	78	352	-	234	58	292	-	352	292
	IV	613	1	305	57	362	-	216	51	267	-	362	267
	Total	1491	75	721	138	859	9	525	110	635	3	850	632

1.20 During the year 2005-06, there was no voluntary retirement scheme in FCI, Voluntary Retirement Scheme was concluded in year-2004. Moreover, there is an ongoing provision for voluntary retirement under Regulation 22-A of FCI (Staff) Regulations, 1971 for the employees who have completed 20 years of qualifying service. The details of number of employees as well as the number of SCs and STs out of them who took Voluntary Retirement in the year 2005-06 under this Regulation, are as under:-

Total No. of Employees	No. of SCs out of them	No. of STs out of them
21	3	1

1.21 Some posts remained unfilled due to non-availability of suitable candidates despite the relaxation/concessions provided as per the Regulation 11 of FCI (Staff) Regulation, 1971/Reservation Policy of Govt. of India. However, at present a Special Recruitment Drive is in process as per the direction of MoCAF&PD/DoPT to fill up the backlog vacancies of SC/ST/OBC in Direct Recruitment quota existing as on 01.11.2008.

1.22 FCI have been directed vide letter No.14-3/2007-FC.I dated 26th August, 2010 to give a time frame to fill up all posts reserved for SCs/STs in all categories.

Updated Action Taken reply

1.23 The status of representation of SC/ST employees as on 31.12.2010 is given below which shows that representation of SCs and STs is 24.63% and 8.90% respectively against provision of 15% and 7½% respectively :-

GROUP	Sanctioned Strength	Total No. of employees	No. of SC	% of SCs	No. of ST	% of STs
A/Cat.I	1012	678	133	19.62	66	9.73
B/Cat.II	6292	5425	1083	19.96	598	11.02
C/Cat.III	26831	17048	3839	22.52	1338	7.85
D/Cat.IV	2380	8096	2642	32.63	776	9.58
Grand Total	36515	31247	7697	24.63	2781	8.90

1.24 A Special Recruitment Drive for filling up the backlog reserved vacancies for SCs, STs and OBCs as on 1.11.2008 was launched by FCI in accordance with Government of India directions contained in DOPT letter No.36038/1/2008-ESTT(Res) dated 19.11.2008. The vacancies were to be filled by 30.6.2009. However, the period of the drive has been extended up to 30.6.2011 vide DOPT OM dated 30.12.2010. Accordingly, 193 backlog direct recruitment vacancies of SCs/STs/OBCs identified as on 1.11.2008 were advertised by FCI. The progress report in this regard is given below:-

	No. of backlog vacancies identified as on 01.11.2008	No. of backlog vacancies advertised	No. of backlog vacancies filled
Scheduled Castes	107	107	85
Scheduled Tribes	61	61	42
Other Backward Classes	25	25	19
Total	193	193	146

1.25 It may be seen from the foregoing account that 75% of the identified backlog reserved vacancies have been filled. It has been reported by the concerned appointing authorities in FCI that some of the backlog reserved vacancies in DR quota could not be filled up due to non-availability of suitable candidates and in some posts, despite the waiting list being operated, the selected candidates have not joined.

1.26 The recruiting authorities have been advised for taking all necessary steps to conclude the SRD process by 30.06.2011 as per the directions of the Government of India vide GM(PE)'s D.O. letter No. 32(9)/2009-LC(PH-SRD)/Vol.II dated 10.06.2011 and also indicate the appropriate detailed reasons in case any vacancies remaining unfilled.

1.27 During the evidence held on 27th June, 2011, the Committee pointed out that the recruitment agencies were advised to conclude the Special Recruitment Drive by 30th

June 2011 and thus desired to know the SC/ST backlog position with respect to all the grades as on date, to which the representative of the Food Corporation of India replied:-

“As far as SRD of 2008-09 backlog identified vacancies are concerned, we are left with 24 unfilled vacancies out of the 168 identified vacancies.”

1.28 The CMD, Food Corporation of India also stated:-

“..... both promotion and direct recruitment are an ongoing process. Every year we have to advertise for direct recruitment posts and for promotions we have to hold Selection Committees.....”

1.29 He further stated:-

“We make all possible efforts to fill up the vacancies and we are getting candidates. Every year some vacancies get created due to retirement and somebody may resign or somebody may take VRS. Therefore, it is an ongoing process...”

1.30 In their post evidence reply, the Ministry informed the category-wise details of 168 SC/ST backlog direct recruitment vacancies identified as on 1.11.2008 under Special Recruitment Drive 2008 of which 127 posts were filled up and 41 remained unfilled as below:-

Category	SC		ST		Total	
	Identified	Filled	Identified	Filled	Identified	Filled
I	Nil	Nil	Nil	Nil	Nil	Nil
II	37	35	14	9	51	44
III	64	47	27	16	91	63
IV	6	3	20	17	26	20
Gr. Total	107	85	61	42	168	127

The further status of unfilled 41 SC/ST posts was as below:-

Category	No. of vacancies unfilled			Further Action taken	Balance	Remarks
	SC	ST	Total			
I	0	0	0		0	
II	2	5	7	2 posts of SC and 2 posts of ST have been included in the 2011 advertisement.	3	Posts could not be filled up due to non availability of suitable candidates
III	17	11	28	11 posts of Typist declared redundant (SC-8 & ST- 3) 1 ST post- waitlist being operated 1 SC appointed	15	2 posts of SC and 1 post of ST not filled due to non-joining of candidates 12 posts could not be filled up due to non availability of suitable

						candidates
IV	3	3	6		6	Posts could not be filled up due to non availability of suitable candidates
Total	22	19	41	17	24	

1.31 During evidence members of the Committee brought to fore the case of the cancellation of the candidature of a ST candidate, R.S. Lalrinsanga who qualified in the written examination for the post of AGM (Technical) of FCI. However, he was not permitted to appear in interview on the grounds of not possessing required experience for the post. The Committee instructed the Ministry to provide the factual details in this regard.

1.32 The Ministry submitted the factual position/details of cancellation of the candidature of Shri R.S. Lalrinsanga as under:-

- i. Mr. R.S. Lalrinsanga, ST, Roll No.931110008 was called for personal interview for the post of AGM (Technical) on the basis of his application, performance in the written test and the copies of the documents furnished along with the application form.
- ii. The call letter for personal interview clearly specified that if the candidate does not produce the original certificate(s) as above in support of claim(s), he/she shall not be allowed to appear for personal interview under any circumstances.
- iii. Further, the advertisement published in the Employment News dated 08.01.2011 clearly mentioned the following conditions for the benefit of candidates :-
 - a. *“Candidate should satisfy themselves that they fulfil the required qualification, experience, age, etc., before applying for the post. The candidates are advised to satisfy themselves fully about the correctness of the information furnished, if found ineligible at any stage the candidature would be rejected.”*

- b. *“Issue of admit card for the written test & calling for Personal Interview does not confer any right of acceptance of candidature and should not be construed as an acknowledgement of fulfilling the eligibility criterion.”*
- c. *“Candidate must ensure to have fulfilled all the eligibility criteria, viz., age, experience & qualification as on 01.01.2011.”*
- iv. However, during verification of documents which precedes the interview process, the Scrutiny Committee observed that the candidate could not produce proof of possessing requisite work experience of 5 years in storage of food grains and maintenance of stocks or in the examination, inspection and analysis of food grains in Govt. or Public/Pvt. Sector Undertaking as mentioned in the recruitment advertisement.

1.33 The candidate had been working as Scientific Adviser in Kanaan Tea Estate. As per the Experience Certificate submitted by him *“the nature of work he executed was quality control of the stock product and pest control from the Tea Garden to the end product of the Tea Estate”*. The experience was not considered relevant/valid for work in FCI which primarily handles wheat and rice. Accordingly, the candidate was not cleared to participate in the next stage of selection process i.e. personal interview.

Comments of the Committee

1.34 The Committee are perturbed to note the fact that despite the regulating authorities being given the deadline of 30th June, 2011 to conclude the Special Recruitment Drive there are still vacancies pending in various categories. Existing of SC/ST vacancies in category III and IV due to non availability of suitable candidates is not at all acceptable to the Committee. Not finding suitable SC/ST candidates for class III and IV categories of posts is preposterous. Not filling up the post of typist by SC/ST candidates for years together and then declaring 11

posts (8 SC and 3 ST) as redundant is nothing but depriving of constitutional guarantee of employment of SCs/STs. It gives an impression that the Food Corporation of India has rather adopted lackadaisical attitude towards the clearance of backlog vacancies. It seems that the Food Corporation of India has turned a deaf ear towards the recommendations of the Committee and thus neglecting the gravity of the situation regarding the disposal of backlog vacancies. The Committee thus strongly condemn the laxity of the Food Corporation of India in the matter. The Committee would like to be apprised of the current status of the Special Recruitment Drive as on date. The Committee stress that the Ministry should ensure that FCI provide maximum relaxations/concessions so that SC/ST posts in III and IV categories are fully filled up. The Committee are critical in the manner that a ST candidate who was called for the post of AGM (Tech) on the basis of his application, performance in the written test and the copies of the documents furnished along with the application was not allowed to appear in the personal interview just because during verification of documents which precedes the interview process, the Scrutiny Committee observed that the candidate could not produce proof of possessing requisite work experience of 5 years in storage of food grains and maintenance of stocks or in the examination, inspection and analysis of food grains in Govt. or Public/Pvt. Sector Undertaking as mentioned in the recruitment advertisement. The Committee feel that FCI should not have entertained the application on the basis of not fulfilling the criteria of work experience in the first instance instead of asking him to appear for written test and other documents furnished alongwith the application. The Committee are of strong view that while the ST candidate could pass the written test and had other required qualification he should have been

given a chance to appear for personal interview. While in all cases of technical posts, it is seen that educated SC/ST candidates are always rejected for the post on some flimsy grounds so that such posts are filled up by other candidates. The Committee therefore recommend that all PSUs including FCI should not be rigid in work experience for SCs/STs. Instead the SC/ST can be taken on probation and given job experience before they are finally appointed.

Recommendation (Sl.No. 3, Para No. 2.21)

1.35 The Committee note that the prescribed percentage of reservation given to SC and ST employees while considering for promotion is 15% and 7.5% respectively. The Committee also note that certain relaxation in favour of SCs and STs are available in the matter of promotion. The Committee observe that there was shortfall in filling up of SC/ST vacancies in promotion in all categories during the years 2004, 2005 and 2006. The main reason for the shortfall in promotion is stated to be non-availability of suitable SC/ST candidates in the feeder cadre of Account/Technical/Engineering having qualifying service even in the extended zone of consideration. When specifically asked about the details of backlog vacancies of SC/ST posts (Accounts, technical and Engineers separately) in category I, II, III and IV as shown in the year 2006, the Committee had been provided with the information which, however do not fully satisfy them. The reason as to why the promotion to SC/ST candidates not given due to non availability of suitable candidates need to be enquired by the Ministry. According to information as at para No. 2.17, the total of SC and ST backlog/shortfall vacancies are 291 and 225 respectively whereas the total number of SC and ST backlog vacancies due to non-availability of SC and ST in feeder cadre of Accounts, Technical and Engineers posts comes to mere 140 and 54. The Committee recommend that if requisite number of SC/ST are not found suitable in the feeder cadre to promotion to the next grade, the

Government should fill up the shortfall by temporarily diverting the promotional post to direct recruitment for SCs and STs as per Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) Office Memorandum No. AB(14017/30/89-Estt.(RR), dt. 10.7.90) so that there is no room for backlog vacancies to be carried forward. The Committee, however, note that SC/ST promotional posts are still to be filled up in FCI. The Committee, therefore, recommend FCI to conduct Special Recruitment Drive at the earliest to wipe out all SC/ST backlog posts.

Reply of the Government

1.36 FCI has informed that a Special Recruitment Drive is under process in FCI to fill up the backlog vacancies reserved for SC/ST in Direct Recruitment/Promotion. In view of this, the need for temporarily diverting the promotional post to direct recruitment for SCs and STs is not required at present. CMD, FCI has been directed to enquire as to the reason why promotion to SC/ST candidates have not been given and whether this is due to non availability of suitable candidates.

1.37 Special Recruitment Drive has been launched as per the directions of MoCAF&PD vide O.M. No. 42011/5/2008-AC dated 12.03.2009/DoPT vide O.M. No. 36038/1/2008-Estt(Res.) dated 19.11.2008.

Updated Action Taken reply

1.38 As already informed under reply to Para 2.13 above, a Special Recruitment Drive has already been launched to fill backlog vacancies reserved for SC/STs/OBCs existing as on 1.12.2008 against which 75% of the identified vacancies have already been filled.

1.39 FCI has also appointed Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant on the recommendations of the National Commission for SC to enquire/make recommendations on the following matters:-

- i) To verify the non-availability of suitable candidates which lead to the promotions not being given to SCs and STs.

- ii) To look into the process of recruitment of SCs and STs in the FCI so as to check whether the candidates with the essential qualifications have been refused job in FCI.
- iii) To ascertain whether SCs/STs have been denied job by citing ban on recruitment whereas such a ban does not apply on backlog vacancies.

1.40 In their post evidence reply, the Ministry clarified that based on the recommendations of the Parliamentary Committee on the Welfare of SC/ST, the Department of Food, Ministry of Consumer Affairs, Food & Public Distribution directed FCI to conduct a detailed enquiry. Thereafter, FCI consulted the National Commission for Scheduled Castes for suggesting the names of experts dealing in the matter of reservation policy of Govt. of India for conducting a detailed enquiry on the following issues :-

- (i) To verify the non-availability of suitable candidates which lead to the promotion not being given to SCs and STs.
- (ii) To look into the process of recruitment of SCs and STs in the FCI so as to check whether the candidates with the essential qualifications have been refused job in FCI.
- (iii) To ascertain whether SCs/STs have been denied job by citing ban on recruitment whereas such a ban does not apply on backlog vacancies.

1.41 The National Commission for Scheduled Castes has recommended the name of Shri H.S. Rana, Principal Director, Institute of Public Administration at Bangalore. Accordingly, Shri H.S. Rana has been appointed as Consultant for conducting a detailed enquiry into the issues raised by the Parliamentary Committee in its recommendations.

1.42 The Ministry stated that Shri H.S. Rana, Principal Director, Institute of Public Administration, Bangalore has been appointed as consultant for conducting detailed study/enquiry on the above mentioned issues vide Office Order dated 21.06.2011 and the enquiry report is expected by the year end.

Comments of the Committee

1.43 The Committee note that on the recommendation of National Commission on Scheduled Castes, Shri H.S. Rana, Principal Director, Institute of Public Administration at Bangalore was appointed as consultant for conducting a detailed enquiry, as desired by the Committee, to verify the non-availability of suitable candidates which lead to the promotion not being given to SCs and STs; to look into the process of recruitment of SCs and STs in the FCI so as to check whether the candidates with the essential qualifications have been refused job in FCI; and to ascertain whether SCs/STs have been denied job by citing ban on recruitment whereas such a ban does not apply on backlog vacancies. The enquiry's report was expected by the end of 2011. The Committee would like to be provided with the study/enquiry report of the Consultant alongwith the reaction of the Government to the findings of the report.

DETAILS OF PROMOTION

Recommendation (Sl. No. 4, Para No. 2.22)

1.44 As on 1.1.2008, the category-wise backlog position in promotion was reported to be 122 SC and 44 ST in Category II, 417 SC and 742 ST in Category III and 142 SC and 137 ST in Category IV posts. The Committee should be provided with the post-wise backlog position as on 1.1.2008 and how the backlog vacancies have since then been filled up till date.

Reply of the Government

1.45 FCI has informed the post-wise backlog vacancies covered under the said SRD which are given below:-

Statement showing the cadre/post-wise backlog vacancies reserved for SC/ST in Promotion quota as on 01.11.2008

Category	Cadre/Post	No. of SC	No. of ST	Total
II	Manager(Genl)	52	10	62
	Manager(A/cs)	54	26	80
	Manager(QC)	68	52	120
	Manager(Movt)	2	1	3
	Manager(Depot)	76	9	85
	Manager(Civil)	1	0	1
	Manager(Electric)	1	0	1
	Manager(Mech.)	1	0	1
	Total	255	98	353
Category	Cadre/Post	No. of SC	No. of ST	Total
III	AG.I(Genl)	47	12	59
	AG.I(A/cs)	110	47	157
	AG.I(Tech.)	109	37	146
	AG.I(Depot)	210	10	220
	AG.I(Movt.)	1	0	1
	AG.II(A/cs)	20	5	25
	AG.II(Depot)	87	72	159
	AG.II(Genl)	99	47	146
	AG.II(Tech.)	13	3	16
	AG.III(Depot)	18	13	31
	Head Mechanic	2	0	2
	Driver Gr.I/II	5	1	6
	Subedar	0	3	3
	ECO	3	0	3
	Total	724	250	974
	IV	Picker	1	0
H/Watchman		27	1	28
Sr. D.Operator		0	1	1
Dusting Operator		18	4	22
Total		46	6	52

1.46 A query was asked whether all the SC/ST backlog posts have been filled up by SRDs, the Ministry in their post evidence reply have inter-alia stated that as per GOI directions, Special Recruitment Drive (SRD) was launched by FCI in 2008-09 to fill up backlog vacancies as on 1.11.2008 both in Direct Recruitment and Promotion. Accordingly, FCI identified 1841 promotion backlog vacancies of SC and ST posts for promotion as 1.11.2008. The position as on 30.6.2011 indicates that 1101 of the vacancies have been filled up and 740 vacancies remain unfilled. The details are as

given below:-

Category	SC			ST			Total		
	Identified	Filled	Unfilled	Identified	Filled	Unfilled	Identified	Filled	Unfilled
I	1	1	0	2	2	0	3	3	0
II	281	243	38	160	132	28	441	375	66
III	487	192	295	608	301	307	1095	493	602
IV	258	194	64	44	36	8	302	230	72
Total	1027	630	397	814	471	343	1841	1101	740

1.47 The reason for unfilled vacancies is the non-availability of eligible candidates even in the extended zone of consideration.

Comments of the Committee

1.48 The Committee are rather skeptical regarding the efforts of the FCI with regard to promotion in backlog vacancies. It appears that FCI has not made enough endeavour to fill up these vacancies as is evident from the massive backlog that still exists. The position as on 30th June, 2011 indicates that 1101 of the vacancies have been filled up and 740 vacancies remain unfilled. The Committee would like the FCI to make vigorous effort to fill up all those backlog promotional vacancies even by direct recruitment. The Committee should be apprised of the outcome.

Recommendation (Sl.No. 6, Para No. 2.29)

1.49 The Committee note that there was shortfall of ST employees in the category II, III and IV (safaiwala) according to the statement provided to them. As on 1.1.2007, the number of shortfall in respect of ST employees in category II, III and IV (safaiwala) was 91, 276 and 15 respectively. The reply of the Ministry that the shortfall in respect of SCs and STs against their reserved quota is due to non-availability of eligible candidates does not convince the Committee and is misleading as many SC/ST educated youth can apply for these posts especially in direct recruitment provided the posts are publicized in SC/ST dominated areas. The Committee recommend that FCI should make earnest

efforts to wipe-out all ST shortfall in all posts by advertising the posts not only in local newspapers of respective regions of FCI but in areas predominantly lived by ST people so that they may get opportunity to apply for the posts and that the reserved vacancies do not remain unfilled.

1.50 The Committee feel that there are no such jobs in FCI where SC and ST candidates could not measure upto the essential qualifications required for a job so advertised. The Committee urge the Ministry of Consumer Affairs, Food and Public Distribution to institute a detailed inquiry to look into the process of recruitment of SCs and STs in the FCI so as to check whether candidates with the essential qualifications have been refused job in the FCI. The Committee stress that if any SC/ST candidate was refused job on the basis of desirable qualifications or other extraneous qualifications fixed by the Selection Board then stringent punishments should be given to those officials who were involved in such denial of jobs to SC and ST candidates on frivolous reasons like non-availability of eligible candidates.

Reply of the Government

1.51 FCI publishes advertisement of every recruitment exam in the Employment News (Hindi and English) as well as advertisement is published in the leading newspapers and regional newspapers. The advertisement is also displayed on the FCI website.

1.52 The Government of India has also directed CMD, FCI to ensure that the posts are given wide publicity especially in SC/ST dominated areas. The CMD, FCI has also been directed to institute a detailed inquiry to look into the process of recruitment of SCs and STs in the FCI so as to check whether candidates with the essential qualifications have been refused job in the FCI.

Updated Action Taken reply

1.53 FCI has already appointed Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant. One of the terms of reference of his

appointment covers the review of the process of recruitment of SCs/STs in FCI to check whether candidates with essential qualifications have been refused job in the FCI.

1.54 The Committee during the evidence enquired from the Ministry whether the SC/ST backlog posts for Special Recruitment Drive 2008 were advertised in SC/ST dominated areas and also the particulars of newspapers of SC/ST dominated areas where these were published.

1.55 In their post evidence reply, the Ministry stated that in order to gain wide spread awareness, FCI endeavours to publicise all vacancies for direct recruitment through following various means. The emphasis is to reach target groups likely to be interested in applying for such vacancies.

Employment News: Detailed advertisement of recruitment to all categories (I to IV) is invariably published in all editions of Employment News, i.e., English, Hindi and Urdu. It is the primary reference weekly for all job aspirants of the Government and PSUs and widely circulated throughout the country. The cutoff date of all recruitment processes are guided by the date of publication in Employment News to ensure uniformity in the process and to allow sufficient time to all candidates.

Website: The recruitment details and registration process are hosted on an integrated website (fciweb.nic.in). The website facilitates all recruitment related actions for the candidates for all the processes involving various categories of posts and of all the zones and Headquarters.

Employment Exchanges: The regional employment exchanges are also notified of the identified vacancies in the Corporation which are advertised to be filled up through open competition.

National Dailies: The vacancy notifications of all the recruitment are published in major national dailies. Even the Category II and III recruitments which are carried out at zonal level are notified through national dailies having countrywide circulation.

Regional Dailies: Further, in order to reach the interior places predominantly inhabited by SC and ST population, the translated recruitment advertisements are also published in the leading regional dailies in local language. An indicative list of the regional language newspapers where recruitment advertisements are published regularly is furnished below:-

Newspaper	Language	Circulation
Loksatta	Marathi	Maharashtra, Goa
Gomanatak	Konkani	Goa
Tarun Bharat	English	Goa
Gujrat Samachar	Gujrati	Ahmedabad, Bhavnagar, Baroda, Rajkot, Surat
Gujrat Vaibhav	Hindi	Ahmedabad
Dainik Bhaskar	Hindi	Raipur, Bilaspur
Central Chronicle	English	Raipur
Dainik Jagaran	Hindi	Bhopal, Rewa UP, Delhi, Uttrakhand, Himachal Pradesh, Haryana Patna, Ranchi, Mujaffarpur
Daily Thanthi	Tamil	Tamilnadu
Eenadu	Telugu	Andhra Pradesh
Prajavani	Kannada	Karnataka
Malayala Manorama	Malayalam	Kerala
Bartaman	Bengali	West Bengal
Sanmarg	Hindi	Kolkata
Samaj	Odia	Cuttack, Sambalpur
Punjab Keshari	Punjabi	Punjab
Rajasthan Patrika	Hindi	Rajasthan
Imaraat	Kashmiri	J & K
Ajit	Punjabi	Punjab

Comments of the Committee

1.56 The Committee appreciate the endeavour of the FCI to publicise all vacancies for direct recruitment through various means. However, the Committee point out that the regional dailies carrying the advertisements for the SC/ST posts do not cover the North Eastern States which may go against the interest of the eligible SC/ST candidates residing in the region. The Committee therefore

recommend that FCI should also insert advertisement for SC/ST vacancies in newspapers published in North East States.

SPECIAL RECRUITMENT DRIVE

Recommendation (Sl.No. 7, Para No. 2.36)

1.57 The Committee had noted that backlog vacancies of SC/ST identified under special recruitment drive during 2004-05 in category I was under process. In case of category II posts, it had been stated that remaining posts could not be filled due to non-availability of eligible candidates/ verification of character and antecedents/court cases/ dispute raised by ST Association in South Zone due to incorrect calculation of ST backlog. The Committee are concerned that the target date of filling up the backlog vacancies as per the instructions for filling up Special Recruitment Drive 2004 was 30.06.2005 and the same had not been completed by the specified date. The Committee urge FCI to make all out efforts to fill up all the vacancies identified under Special Recruitment Drive within a time frame. The Committee are surprised that vacancies meant for SCs/STs could not be filled up due to ban on recruitment and that resulted in accumulation of backlog. The FCI has misled the nation and the Committee by giving false declaration that there was a ban on recruitment. They have denied jobs to SCs and STs by citing ban whereas such a ban does not apply on backlog recruitment. Since 2004, the Government had intensified orders to fill up backlog of SC and ST reservations. This is a deliberate mischief planted by the officials of FCI who need to be booked under relevant laws for flouting Government instructions on filling up of SC and ST backlog. The Committee urge the Ministry to initiate immediate action to fill up SC/ST backlog vacancies by holding more Special Recruitment Drive in a time bound manner and also should immediately initiate suitable departmental action against the erring officials who have falsely denied jobs citing ban on recruitment.

Reply of the Government

1.58 FCI has informed that it takes all necessary actions to fill up the backlog vacancies under the Special Recruitment Drives launched by Govt. of India from time to time.

1.59 It is informed that during the SRD-2004, the FCI, South Zone had notified the following vacancies in respect of Cat. II & III Posts:-

Category	Vacancy Notified		Total	Offer of Appointment issued during 2008	Reported		Unfilled vacancies carried forward	
	SC	ST			SC	ST	SC	ST
II	24	15	39	39	14	09	10	06
III	33	18	51	49	22	12	11	06

1.60 It may be seen from above that the backlog vacancies were notified during SRD-2004 in the FCI, South Zone despite the initial constraints. Against the offer of appointment issued to 39 candidates for Cat.II Posts and 49 candidates for Cat.III posts, only 23 candidates in Cat.II and 34 in Cat.III reported.

1.61 However, the unfilled vacancies under SRD-2004 together with backlog for SC/ST identified as on 01.11.2008 have been notified for filling up in the ensuing recruitment process, and it is expected that all the Direct Recruitment vacancies identified as backlog for SC and ST will be filled up.

1.62 At present, Special Recruitment Drive is under process in FCI as per the directions of MoCAF&PD/DoPT for filling up the backlog vacancies reserved for SC/ST as on 01.11.2008. FCI is taking necessary action for filling of these vacancies by publishing in leading news papers as well as employment news and on FCI website.

1.63 The Government has also advised CMD to enquire whether SCs/STs have been denied jobs by citing ban on recruitment whereas such a ban does not apply on backlog recruitment.

Updated Action Taken reply

1.64 Corporation has been conducting Special recruitment drives for filling up the backlog reserved vacancies of SCs & STs from time to time as per the directions of Government of India.

1.65 As already indicated in reply to para No.2.13, FCI is in the process of filling up the backlog vacancies reserved for SCs/STs/OBCs existing as on 1.11.2008 under Special Recruitment Drive and 75% of the vacancies i.e. 146 out of 193 identified backlog vacancies have already been filled. The Special Recruitment Drive also covers 41 vacancies under direct recruitment quota pertaining to South Zone and the progress is given below:-

Details	Number of backlog vacancies identified as on 1.11.2008	Number of backlog vacancies advertised	Number of backlog vacancies filled
Scheduled Caste	24	24	16
Scheduled Tribe	16	16	8
OBC	1	1	1
Total	41	41	25

1.66 The Corporation has already engaged Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant. His terms of reference include enquiry as to whether SCs/STs have been denied jobs by citing ban whereas such a ban does not apply on backlog vacancies.

Comments of the Committee

1.67 The Committee express grave concern over the tepid approach of the FCI regarding filling of backlog vacancies identified under Special Recruitment Drive 2004. According to statement furnished by the Ministry, the offer of appointment was issued only in 2008 and that too not fully in case of category III posts. Out of 51 notified posts, offer of appointment was issued only to 49. It is deplorable that out of 39 offers of appointment in category II posts only 14 SC and 9 ST posts

were filled and out of 49 offers of appointment in category III posts, only 22 SC and 12 ST posts were filled up and that 10 SC and 6 ST posts in category II and 11 SC and 6 ST posts in category III are still to be filled up. Those unfilled SC and ST vacancies of SRD 2004 are reported to have been notified alongwith other SC and ST vacancies identified for SRD 2008. The Committee feel that these SC and ST vacancies should be filled up at all cost. Again FCI has not completely filled up SC and ST vacancies by 30.6.2011 as required under SRD 2008. The Committee stress that the Ministry should ensure that FCI completes SRD 2008 within one month of presentation of this report. The Committee should be apprised of the enquiry report of the consultant regarding the matter whether SCs/STs have been denied jobs by citing ban whereas such a ban does not apply on backlog vacancies.

COMPLAINTS/GRIEVANCES

Recommendation (SI.No. 14, Para No. 3.23)

1.68 The Committee note that the complaints received from SC/ST employees are generally in the form of representation which are registered in general receipt register alongwith other letters in Liaison Cell and referred to concerned officer for redressal. The Committee are of view that since most of these complaints/grievances are related to promotion, appointment on compassionate grounds, retention in same place on promotion, transfer, additional increment, pay fixation, grant of selection grade, etc., these need to be recorded properly, clearly indicating the nature of each case and its disposal. The Committee, therefore, recommend that a separate register be maintained in all the zones as also at its Headquarters. The Committee also urge that the Executive Directors of the concerned zone should monitor these registers periodically to see that all complaints/grievances of SC/ST Officers are redressed properly and ensure that there is

no laxity on the part of Liaison Officers. The Committee should also be provided with the present position in regard to details of complaints and grievances received and their redressal during the years 2008 and 2009.

Reply of the Government

1.69 FCI has reported that as recommended by the Committee, a separate register for recording complaints received from SCs/STs is being maintained in the FCI Headquarters. Further, FCI Zones have confirmed that separate registers are being maintained.

1.70 However, as recommended by the Committee, previous instructions for maintaining separate register for recording complaints received from SCs/STs have been reiterated to all Liaison Officers of all Zones. Further, the present position in regard to details of complaints/grievances received and their redressal during the years 2008 and 2009 is given as under:-

2008			2009		
Total No. of complaints/ Grievances received	Disposed off	Pending	Total No. of complaints/ Grievances received	Disposed off	Pending
53	48	5	27	16	11

1.71 During evidence, the Committee were informed that there are altogether 56 grievances from SCs/STs received during the years 2009 and 2010, out of which 41 were disposed of. The Committee, therefore, desired to know the details of 41 grievances which have been disposed of i.e. whether they were in favour of the SC/ST employees or against them and whether there have been instances out of those 41 disposed of applications that the SC/ST employees have sought reconsideration. The Committee also sought the status of the pending 15 grievance in FCI.

1.72 In their post evidence reply, the Ministry have furnished the details of disposal of 41 grievances/applications from SCs & STs (2010 & 2011 to date) as under:-

No	Detail	Cases
1.	Disposed in favour of employees	26
2.	Complaints proved fake on investigation:	4
3.	Cases where action does not lie at level of FCI	8
	<i>Verification of SC/ST certificates cases</i>	5
	<i>Complaints against Co-operative Societies and not handled by FCI</i>	2
	<i>Matter sub-judice in Courts</i>	1
4.	Action held up due to non-submission of required documents by applicant (EPF)	1
5.	Grant of selection grade where applicant was not eligible	1
6.	Transfer requests rejected on administrative grounds	1

1.73 In reply to a query whether out of 41 disposed of cases whether there are any instances where anybody sought for reconsideration, it was replied that in one case of North Zone the applicant has sought reconsideration. Sh Suraj Mal, Ex Manager, Saharanpur filed a complaint for late payment of retirement benefits. Case was closed on ground that payment had been made on time. But the employee has again alleged delay in release of payment and has claimed interest amount. CPF Division has again informed that there was no delay in the payment.

1.74 The Ministry have also furnished the status of the pending 15 applications as under:

Zone	No.	Status
Headquarters	5	3 cases disposed. 2 cases pertaining to verification of certificates referred to respective Zones.
East Zone	1	Employee has filed Writ Petition No 6142/2006 in Orissa High Court against his dismissal from service.
North Zone	9	1 case disposed. In 2 cases, complainants have denied making any complaint. 2 cases pertain to pending disciplinary action. 1 case – Enclosures of complaint not received. Same have been sought.

		<p>1 case – No response from complainant for authentication of complaint.</p> <p>1 case – Concerns remarks in ACR. Reply given in March 2011. Applicant has again represented in June. Matter being examined.</p> <p>1 Case – Concerns promotion. Being examined.</p>
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1.75 During the evidence, the Committee also enquired about the transfer of Shri G. Maharaj Kumar, AGM (Genl) in Chennai Zonal Office and All India President of the Food Corporation of India Scheduled Castes and Scheduled Tribes Employees Welfare Association, from Chennai to Bihar.

1.76 The Ministry furnished the factual position regarding transfer of Shri G. Maharaj Kumar, AGM(General) from ZO (South), Chennai to Bihar Region as under:-

- i. Shri G. Maharaj Kumar, AGM (General) was transferred from Zonal Office (South), Chennai and posted to Regional Office, Bihar at Patna vide Hqrs Office Order No. 57/2011-E.I dated 23.05.2011 due to operational/administrative requirements.
- ii. He had been working in Chennai since 06.06.1977 except for a short two year stay in Srikakulum. Thus, his total stay in South Zone is 34 years of which he remained at Chennai for 32 years. He was working as AGM (General) in ZO (South) since 16.02.2006. Sh. Kumar retires in December 2016.
- iii. He was transferred and posted to Bihar Region on the basis of longest stay as AGM (General). In terms of FCI (Staff) Regulations, 1971 and transfer policy guidelines the Category-I officers can be transferred to any place at any time as per administrative requirement and exigencies of work.
- iv. Under FCI guidelines dated 21.11.2002 and 5.1.2011 the office bearers of any of the Union/Staff Association including recognized Unions are not exempt from transfers. However, subject to administrative convenience, the President and the

General Secretary of the recognized Unions at the All India, Zonal and Regional levels may not be transferred outside the station during the period the employee holds such positions. This concession/immunity will be allowed maximum for two tenures in the capacity of President or Secretary.

- v. The Food Corporation of India Scheduled Caste and Scheduled Tribe Employee Welfare Association is not a recognized Union in FCI. As such its office bearers are not covered under the extant guidelines.

1.77 The Committee have also received representations from Dr. Ambedkar Food Corporation of India Employees Union regarding harassment case of SC/ST officials of FCI. It has been alleged that on Smt. M.V. Valasala, DGM (Genl.), Mumbai, a penalty of pay has been imposed thereby reducing her pay by 3 stages. In case of Shri B.E. Raja, DGM (Fin.) Bangalore, his promotion has been stalled for 3 years. Attempts have also been made in past to harass these officials by transferring them. Factual comments were asked from the Ministry on 8th December, 2011. However, no communication has been received till this report is prepared.

Comments of the Committee

1.78 The Committee note that there are still 2 out of 5 cases of grievances pending at the Headquarters due to verification of certificates. The Committee, stress that FCI should ensure that the verifying authorities complete the task within a stipulated time. The Committee also note that there are 5 and 11 pending cases of 2008 and 2009 respectively. The Committee would like to be apprised regarding the details. The Committee also want to be apprised of the outcome of the writ Petition No 6142/2006 by an employee in the East Zone, the Committee also note that there are 6 cases that are pending in North Zone which need to be disposed of expeditiously. The Committee should also be apprised of the cases

referred to the Ministry together with the reasons as to why no comments were sent in this regard.

CASES OF FALSE CASTE CERTIFICATES

Recommendation (Sl.No. 17, Para No. 4.7)

1.79 The Committee observe that during the years 2004, 2005, 2006 and 2007, 10 cases of securing employment on the basis of false caste certificates had been reported in FCI and that the services of those officials had been terminated from FCI by concerned ED(Zones). However, 3 persons are reported to have got stay from various courts against the termination order. The Committee fail to understand as to how the three persons terminated from FCI managed to get stay from the courts against the termination order. The Committee would like to be apprised of the details of persons alongwith date of their termination as also the details of Hon'ble Court from where they obtained stay order. The Committee note that there are 372 cases of false caste certificate in West Zone and 52 cases in South Zone which are pending due to various reasons like pending in courts and for verification with State Government authorities. The Committee note that 23 and 77 cases are pending for verification with Caste Scrutiny Committee in South Zone and West Zone, respectively. The Committee recommend that the State Governments should be urged to complete the verification within a stipulated time. If the information sought in those cases is not received from the State Government authorities within the stipulated period, the Committee strongly feel that the Government should initiate prompt action to file criminal cases against the employees for obtaining employment on the basis of false caste certificate. It should, however, be ensured that genuine SC/ST employees are not harassed and their cases should be finalized at the earliest. The Committee are concerned that in 29 cases in Maharashtra region, the officials are not approaching Caste Scrutiny Committee. The

Committee should be apprised of the reasons thereof and recommend to ensure that the officials approach the Caste Scrutiny Committee at regular intervals. The Committee also note that in South Zone, 22 cases are pending in courts due to various reasons. The Committee recommend that all efforts should be made to get the stay vacated/cases expedited in courts on priority basis. The Committee further recommend that extra care should be taken while examining the caste certificate at the time of offering appointment letter itself by insisting on the production of original caste certificate issued by competent authority and by resorting to compulsory verification of all caste certificates at entry level.

Reply of the Government

1.80 FCI has reported that the details of 3 persons who got stay from various courts against the termination order cited in the recommendation of the Committee are as under:-

Sl. No.	Name of officer/ official and designation	Date of termination from service	Hon'ble Court from where they obtained stay order	Remark
1.	Shri S. Vijayakumar, Manager(A/cs), FCI, District Office, Trivandrum	14.08.2009	Kerala High Court (WP No.5170/2009)	The termination order dated 14.08.2009 was kept in abeyance vide ZO order dated 09.09.2009, since the official filed WP No. 5170/2009 before Kerala High Court and obtained stay orders on 24.02.2009 & 07.04.2009.
2.	Shri C. Ram Babu, AG.I(Genl.), FCI, District Office, Vizag	03.03.2000	Andhra Pradesh High Court (3967/2000)	The official was terminated from service vide order dated 03.03.2000. The official filed WP No. 3967/2000 and WPMP 5241/2000 before the High Court of AP. The Hon'ble High Court of AP ordered stay of operation of the termination order on 10.03.2000 and issued directions to FCI to continue the official as AG.II(G). The

				WP 3967/2000 was finally dismissed on 24.06.2009, finding that the cause in WP does not survive, as the official had retired from service of FCI on 30.06.2008. Further, in accordance with the directions of Hon'ble High Court of AP, the GM(AP) has passed final orders on 30.11.2009, rejecting the application of Shri C. Rambabu, for terminal benefits.
3.	Sh. V. Sree Ramamurthy, Manager(G), FCI, District Office, Kakinada	03.03.2000	Andhra Pradesh High Court (4115/2000 & 10662/2002)	The officer was terminated from service when he was working as AG.I(G) and this termination was withdrawn on 25.03.2000 in view of the stay order passed by Hon'ble High Court of AP in WP No.4115 of 2000 filed by Shri V. Sree Rama Murthy. On withdrawal of the termination order, the Hon'ble High Court closed the WP subsequently; the official filed WP 10662/2002 before AP High Court and during its pendency, retired from service of FCI on 31.01.2009. The WP 10662/2002 was disposed as 'DISMISSED' on 28.06.2009. In pursuance of the judgement in the WP 10662/2002, the ED(S) passed orders on 04.11.2009 rejecting the claim of the petitioner for release of terminal benefits including CPF benefits.

1.81 However, the recommendations of Committee have been conveyed to all appointing authorities in FCI for strict compliance.

1.82 During the evidence, when the Committee sought the status of false caste certificates. In reply, the representative of the Food Corporation of India stated:-

“As far as false certificate cases are concerned, as on date, there are 132 cases which are under verification or which are in court. This is the status with us as on date from different zones. Earlier there were very many cases but today we have 132.”

1.83 It was further stated:-

“Out of these 132, 72 cases are under stay of the courts. In another 39 cases, in fact, all cases at our level are under verification or under court stay. About 72 cases are under court orders; 39 are pending with the Caste Scrutiny Committee and 21 are pending with other agencies for verification. At our level, we have seen to it that either they are referred for verification but court cases we are following the process of law.”

1.84 The Committee further desired to be apprised of the action taken by the Food Corporation of India w.r.t false caste certificate cases to which the representative of the Food Corporation of India replied:-

“...FCI has decided to reject the claims for terminal benefit in the cases where the certificate of the employee has been declared invalid by the competent authority but the officer or the employee has continued in service till the age of superannuation on account of a stay order granted by court against the termination of the employee....”

1.85 He also stated:

“Sir, we have been regularly pursuing the cases. But it was dismissed after the retirement of the employee on the ground that the employee has retired. Secondly, the other measure that we have taken is, as employees continuing in service on the strength of stay orders issued by the courts or competent appellate authorities, we have issued orders not to allow the benefit of pay revision, arrears of wages, 90 per cent CPF withdrawal in the last year of service, in case the certificates are under investigation. Thirdly, we have requested the State authorities to expedite the caste scrutiny certificates. Some regions like Tamil Nadu have constituted committees of officers to pursue cases with the Caste Scrutiny Committee to get it expedited. These are some of the measures that we try to take in order to take action on these cases.”

1.86 The Committee in a written questionnaire enquired from the Ministry regarding the progress that has been made w.r.t 372 and 52 false caste certificate cases pending in courts and for verification with State Governments in West Zone and South Zone. The

Committee also demanded the details of each pending case alongwith reasons for pendency. The Committee further desired to know whether the verification in respect of 23 and 77 cases pending in South Zone and West Zone respectively, with Caste Scrutiny Committee has been completed and the details of action taken in each case. The Committee also desired to know the reasons as to why in 29 cases in Maharashtra region, the officials are not approaching the Caste Scrutiny Committee alongwith details and action taken in each case. The Committee sought from the Ministry the status in regard to 22 cases pending in courts in South Zone with the details of each case, the reasons for their pendency and action taken regarding their disposal. The Committee also desired to know the details of pending cases along with the date since when these cases were pending.

1.87 In their post evidence reply, the Ministry provided the Status of 372 and 52 cases of West and South Zone:

i. West Zone:

1.88 It has been clarified by West Zone that all 372 ST employees recruited / appointed during the period 1995 to 2000 are not involved in false caste certificate cases. Out of the presently pending 132 false caste certificate cases of FCI, 98 cases pertain to West Zone and their detail is given below:-

Details	No.	Status
Cases pending in courts	60	Three WP's have been filed by the 60 employees before Mumbai High Court, Nagpur Bench: i. W.P. No. 5198/2009 filed by 25 employees ii. W.P. No. 2126/2010 filed by 33 employees iii. W.P. No. 1617/2011 filed by 2 employees. Employees have prayed for prohibiting FCI from referring the caste claims of the

		petitioners to the Caste Scrutiny Committee and not to terminate their services. The High Court has directed to maintain status quo vide orders dated 1.12.2009, 3.5.2010 and 1.4.2011 respectively. FCI has been making all efforts for getting the stay vacated. W.P. No. 5198/2009 and WP No. 2126/2010 are posted for hearing on 18.7.2011, while the WP No. 1617/2011 is fixed for hearing on 19.7.2011.
Cases pending for verification	38	38 cases are pending with caste Scrutiny Committee/District Collectors of Maharashtra, Chhatisgarh, Gujarat. Concerned GMs (Region) have been pursuing the matter with the competent authorities. The very authority of CSC is sub judice in Maharashtra Region on the ground that the relevant statute of Maharashtra is not applicable to FCI employees.
Total cases	98	

ii. South Zone:

Details	No.	Status
Cases dismissed from service	17	No further action required
Cases proved genuine	2	
Cases descheduled and treated as general	1	
Cases descheduled and treated as SC	1	
Cases pending for verification	20	<p>i.TN: 17 cases: Major reason for delay in verification has been the repeated modifications of policy on verification of Caste Certificates. The guidelines issued on 1.4.1997 were modified twice in 2005 and were finally superseded by guidelines issued on 12.9.2007. The Committees at various levels were reconstituted and powers altered. TN FCI has even constituted a Committee of officers to meet the caste scrutiny committee to expedite the process on 11-05-2010.</p> <p>ii.Kerala: 2 cases are pending before the KIRTADS.</p>

		iii.AP: 1 case is pending with the Appellate Authority of the State Government.
Cases pending in courts	11	<p>Cases are still pending before various High Courts. The petitioners have invariably not impleaded FCI in such Court cases. However, FCI has got itself impleaded in such cases. Appropriate action has been taken to file vacate stay petitions and early hearing petitions in the concerned Courts. In addition to the above, Zonal Office (South) has also issued following instructions:</p> <p>i. Terminal benefit not be paid in where the certificate of the employees has been declared invalid by competent authority but continued in service till the age of superannuation due to stay orders granted by courts against termination of the employee.</p> <p>ii. Benefit of pay-revision, arrears of wages, 90% CPF withdrawal payable to a genuine employee during the last year of his service, leave encashment etc. will not be allowed to employees continuing in service on the strength of stay orders.</p> <p>iii. State Govt. repeatedly requested to expedite reports in matters before CSC/other authorities as they are the main parties in court cases.</p> <p>iv. Committees of officers have been constituted in the regions e.g. Tamil Nadu to meet the CSC to expedite the process.</p>
Total No. of cases	52	

1.89 The Ministry submitted that at present only 38 and 20 cases are pending for verification in West and South Zones respectively.

1.90 The Ministry also informed that the 29 employees who are not approaching Caste Scrutiny Committee are among those who have filed W.P. No. 5198/2009 and WP No. 2126/2010 before Mumbai High Court at Nagpur Bench. The Court has passed interim order to maintain status quo.

1.91 The Ministry further stated that out of 22, 11 cases have been disposed of and the concerned employees have been dismissed/terminated. 11 cases are still pending before various High Courts as per details given above.

(iii) North Zone

1.92 The information pertaining to North Zone is given below:

Cases	Status
Smt. Laxmi Tomar, AG.II(D), UP, DOB 16.2.52	Stay order by High Court Allahabad, Lucknow Bench
Devendar Kumar, AG.II(D), UP, DOB 6.7.57	Enquiry under process
Ms MeeraVerma, AG.III(Tech), PB, DOB 7.1.68	Disciplinary action under process

1.93 The Ministry also furnished the details of cases of false caste certificate pending in all the zones of FCI.

No.	Zone	Under verification		Court case(stay)	Total
		CSC	others		
1	West	19	19	60	98
2	South	20	-	11	31
3	North	-	2	1	3
4	East	--	---	--	NIL
5	North East	---	----	---	NIL
	Total	39	21	72	132

Comments of the Committee

1.94 The Committee note that despite recommendations to the Ministry to file criminal cases against the employees for obtaining employment on the basis of false caste certificate, the FCI does not seem to have taken the recommendations seriously. The Committee reiterate their earlier recommendation. The Committee note that there are still 38, 20 and 2 cases pending in the West, South and North Zones respectively, for caste verification. It appears that FCI has still to urge the State Governments in those zones as recommended by Committee. The Committee are also concerned that in South Zone, one case has been descheduled and treated as general and another case descheduled and treated as Scheduled Caste. These cases need to be clarified. The Committee are distressed to note that repeated modification in guideline policy for verification of caste certificate is the reason for delay in Tamil Nadu. The Committee stress that all State Governments need to be vigorously pursued for early verification of caste certificate. Also there are 72 cases including 60 in West Zone, 11 in South Zone and 1 in North Zone, pending in courts. The Committee opine that the Ministry should chalk out a strategic methodology in order to expedite these cases. The FCI officials should vigorously pursue the pending cases with the competent authorities and courts for their early disposal. The Committee should be apprised of the progress of pending cases. The Committee would also like to be informed regarding the details of the hearing of writ petitions, W.P. No. 5198/2009 and WP No. 2126/2010 posted for hearing on 18.7.2011 and the WP No. 1617/2011 fixed for hearing on 19.7.2011. With regard to cases where employees were dismissed from the service, the Committee should be apprised whether any criminal proceedings have been initiated against the guilty persons and if not, the reasons therefor. The Committee, therefore, reiterate their earlier recommendation and would once again

like to stress on the preponderance of the cases pertaining to false caste certificates and urge the Ministry to hasten up the disposal rate of such cases.

APPOINTMENT ON COMPASSIONATE GROUNDS

Recommendation (SI.No. 18, Para No. 4.12)

1.95 The Committee observe that in FCI, applications for appointment against compassionate quota are in excess of the number of vacancies available for compassionate appointment. As on 1.1.2008, FCI had 380 applications received from dependents of deceased SC/ST employees pending for appointment on compassionate ground. As per the Government of India instructions, appointment on compassionate grounds in Group 'C' and 'D' posts is fixed at 5% of the direct recruitment quota in a year. The Committee are of the view that because of this restriction, it might not be possible to give appointment on compassionate grounds to all applicants in near future, even though the concerned Department would like to act very compassionately to the bereaved families in distress. The Committee note that the FCI does not have any proposal presently for providing lumpsum amount in lieu of providing job on compassionate grounds. The Committee, therefore, urge the FCI to introduce monetary assistance scheme in lieu of providing job on compassionate grounds and recommend expeditious action in the matter.

Reply of the Government

1.96 The Food Corporation of India (FCI) is at present following the instructions of Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training in the matter of compassionate appointment. The FCI had submitted a proposal for implementation of IBA Scheme for the past cases and SAIL's scheme for the future cases in the FCI in lieu of the compassionate appointment being made as per the DOPT

guidelines. Since the implementation of these scheme was very expensive and therefore not agreed to. However, FCI has been requested to explore the possibility of group insurance for its employees.

Updated Action Taken Reply

1.97 FCI is already providing financial assistance to the dependents of the deceased employee as per following schemes:-

(i) FCI Group Insurance Scheme: An amount of Rs.1,02,000/- is paid under FCI Group Insurance Scheme, 1980 as a welfare measure to the legal heir(s) of the Corporation's deceased employees' governed by the FCI(CPF) Regulations, 1967.

(ii) Benevolent Fund: Rs.30,000/- is given to the family of the deceased employee as relief under Benevolent Fund. FCI contributes 50% of this amount and other 50% is managed out of the contribution made by the employees towards the Benevolent Fund.

FCI is further exploring the possibilities of enhancing the monetary assistance to the family of the deceased employee in following ways:

(i) By way of insurance cover under proposed Pension Scheme

1.98 Recently, FCI has formulated a pension scheme for its employees within the ambit of guidelines issued by the Department of Public Enterprises regarding superannuation benefits of employees of the CPSEs. This Scheme has been submitted vide letter No.EP-39(1)/2009 dated 31.03.2011 to the Department of Food and Public Distribution under the Ministry of Consumer Affairs, Food and Public Distribution for approval of the Government. This Pension Scheme has a provision to take care of contingency of death of any member of the Scheme by way of a term assurance cover equal to three months' Basic plus DA for each year of balance service to provide a benefit to the surviving family members of the deceased employee. Proceeds received against insurance cover to go to pension fund for purchase of annuity to ensure

adequate pension to the family member of ex-employee.

(ii) Benevolent Fund Scheme

1.99 An internal Committee in FCI has been formed to review the present Benevolent Fund Scheme with a view to enhance the benefits provided under the present scheme.

1.100 During the evidence, the representative of Food Corporation of India on the matter of compassionate appointment stated:-

“.....As per DOPT guidelines, compassionate employment is to be given up to a maximum of five per cent of vacancies under direct recruitment quota in Group C and D at entry level. There has been a ban on recruitment virtually from 1984 to 2001. From 2001 to 2009, our recruitment was limited to one per cent of the vacancies. For this reason, in the past there has been a constraint in considering cases of compassionate employment. As the CMD sahib has mentioned, the Government has approved the recruitment plan for the Corporation.....”

1.101 The Committee further enquired from the Ministry about the IBA scheme and SAIL's scheme. The Committee also sought the details of the pending applications received from dependents of the deceased SC/ST employees for appointment on compassionate grounds as on 31.12.2010.

1.102 In their post evidence reply the Ministry stated the details of the IBA and SAIL Schemes of Indian Banks Association (IBA) (for existing employees on the date of implementation)

Factor	Details
Nature	Voluntary scheme
Eligibility	Lump sum ex-gratia amount is payable to the family of deceased employee if monthly income from all sources are less than 60 % of last salary drawn (Net of taxes) by the deceased employee.
Contribution by employee	Nil
Benefit	Ex-gratia amount will be calculated @ 60 of the last drawn gross salary (net of taxes) for each month of remaining service. Upper limit Officers - Rs.8 lakhs Clerical Staff - Rs.7 lakhs Subordinate staff - Rs.6 lakhs

Scheme of Steel Authority of India Limited (SAIL)(for pending cases)

Factor	Details
Nature	Voluntary scheme
Eligibility	Death /permanent total disablement with minimum one year of service.
Contribution by employee	Deposit entire PF (compulsory contribution of employee and employer) and Gratuity with organisation
Benefit	Monthly payment (Basic pay plus DA) till the date of superannuation of deceased employee. After date of superannuation, the amount of PF and gratuity deposited will be refunded without any interest.

1.103 Ministry vide letter No.10-5/2005-FC.I dated 31.07.2007 observed that under SAIL Scheme, FCI will keep making payment till the date of retirement without getting any commensurate work whereas IBA Scheme is very expensive.

1.104 The Ministry also provided the details of the pending applications received from dependents of the deceased SC/ST employees for appointment on compassionate grounds as on 31.12.2010 as under:-

Zone	Total applications received	Applications from dependents of the deceased SC employees	Applications from dependents of the deceased ST employees
East	35	2	4
West	81	17	9
North	346	99	4
South	166	65	6
NE	67	9	13
Total	695	192	36

Comments of the Committee

1.105 The Committee are rather surprised to learn that the 192 applications from dependents of the deceased SC employees and 36 applications from dependents of the deceased ST employees are lying pending. The delinquent response of the FCI regarding the processing of these application mirrors the apathetic attitude adopted by the Ministry toward the members of deceased's family. The Committee desire to know the number of applicants who have secured employment on the grounds of compassionate appointment among the received applications. The

Committee also want to know whether any immediate financial assistance is being provided to such applicants who have not secured employment so as to support the family of the deceased. Further, the Committee impress upon the Ministry to provide immediate employment or alternate financial help to the kin of deceased employees.

CHEPTER – II**Recommendations/Observations which have been accepted by the Government****Recommendation (Sl.No. 3, Para No. 2.21)**

2.1 The Committee note that the prescribed percentage of reservation given to SC and ST employees while considering for promotion is 15% and 7.5% respectively. The Committee also note that certain relaxation in favour of SCs and STs are available in the matter of promotion. The Committee observe that there was shortfall in filling up of SC/ST vacancies in promotion in all categories during the years 2004, 2005 and 2006. The main reason for the shortfall in promotion is stated to be non-availability of suitable SC/ST candidates in the feeder cadre of Account/Technical/Engineering having qualifying service even in the extended zone of consideration. When specifically asked about the details of backlog vacancies of SC/ST posts (Accounts, technical and Engineers separately) in category I, II, III and IV as shown in the year 2006, the Committee had been provided with the information which, however do not fully satisfy them. The reason as to why the promotion to SC/ST candidates not given due to non availability of suitable candidates need to be enquired by the Ministry. According to information as at para No. 2.17, the total of SC and ST backlog/shortfall vacancies are 291 and 225 respectively whereas the total number of SC and ST backlog vacancies due to non-availability of SC and ST in feeder cadre of Accounts, Technical and Engineers posts comes to mere 140 and 54. The Committee recommend that if requisite number of SC/ST are not found suitable in the feeder cadre to promotion to the next grade, the Government should fill up the shortfall by temporarily diverting the promotional post to direct recruitment for SCs and STs as per Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) Office Memorandum No. AB(14017/30/89-Estt.(RR), dt. 10.7.90) so that there is no room for backlog vacancies to

be carried forward. The Committee, however, note that SC/ST promotional posts are still to be filled up in FCI. The Committee, therefore, recommend FCI to conduct Special Recruitment Drive at the earliest to wipe out all SC/ST backlog posts.

Reply of the Government

2.2 FCI has informed that a Special Recruitment Drive is under process in FCI to fill up the backlog vacancies reserved for SC/ST in Direct Recruitment/Promotion. In view of this, the need for temporarily diverting the promotional post to direct recruitment for SCs and STs is not required at present. CMD, FCI has been directed to enquire as to the reason why promotion to SC/ST candidates have not been given and whether this is due to non availability of suitable candidates.

2.3 Special Recruitment Drive has been launched as per the directions of MoCAF&PD vide O.M. No. 42011/5/2008-AC dated 12.03.2009/DoPT vide O.M. No. 36038/1/2008-Estt(Res.) dated 19.11.2008.

Updated Action Taken reply

2.4 As already informed under reply to Para 2.13 above, a Special Recruitment Drive has already been launched to fill backlog vacancies reserved for SC/STs/OBCs existing as on 1.12.2008 against which 75% of the identified vacancies have already been filled.

2.5 FCI has also appointed Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant on the recommendations of the National Commission for SC to enquire/make recommendations on the following matters:-

- i) To verify the non-availability of suitable candidates which lead to the promotions not being given to SCs and STs.
- ii) To look into the process of recruitment of SCs and STs in the FCI so as to check whether the candidates with the essential qualifications have been refused job in FCI.
- iii) To ascertain whether SCs/STs have been denied job by citing ban on recruitment whereas such a ban does not apply on backlog vacancies.

2.6 In their post evidence reply, the Ministry clarified that based on the recommendations of the Parliamentary Committee on the Welfare of SC/ST, the Department of Food, Ministry of Consumer Affairs, Food & Public Distribution directed FCI to conduct a detailed enquiry. Thereafter, FCI consulted the National Commission for Scheduled Castes for suggesting the names of experts dealing in the matter of reservation policy of Govt. of India for conducting a detailed enquiry on the following issues :-

- (i) To verify the non-availability of suitable candidates which lead to the promotion not being given to SCs and STs.
- (ii) To look into the process of recruitment of SCs and STs in the FCI so as to check whether the candidates with the essential qualifications have been refused job in FCI.
- (iii) To ascertain whether SCs/STs have been denied job by citing ban on recruitment whereas such a ban does not apply on backlog vacancies.

2.7 The National Commission for Scheduled Castes has recommended the name of Shri H.S. Rana, Principal Director, Institute of Public Administration at Bangalore. Accordingly, Shri H.S. Rana has been appointed as Consultant for conducting a detailed enquiry into the issues raised by the Parliamentary Committee in its recommendations.

2.8 The Ministry stated that Shri H.S. Rana, Principal Director, Institute of Public Administration, Bangalore has been appointed as consultant for conducting detailed study/enquiry on the above mentioned issues vide Office Order dated 21.06.2011 and the enquiry report is expected by the year end.

Comments of the Committee

2.9 Please see Para No. 1.43 of Chapter I.

Recommendation (Sl.No. 6, Para No. 2.29)

2.10 The Committee note that there was shortfall of ST employees in the category II, III and IV (safaiwala) according to the statement provided to them. As on 1.1.2007, the number of shortfall in respect of ST employees in category II, III and IV (safaiwala) was 91, 276 and 15 respectively. The reply of the ministry that the shortfall in respect of SCs and STs against their reserved quota is due to non-availability of eligible candidates does not convince the Committee and is misleading as many SC/ST educated youth can apply for these posts especially in direct recruitment provided the posts are publicized in SC/ST dominated areas. The Committee recommend that FCI should make earnest efforts to wipe-out all ST shortfall in all posts by advertising the posts not only in local newspapers of respective regions of FCI but in areas predominantly lived by ST people so that they may get opportunity to apply for the posts and that the reserved vacancies do not remain unfilled.

2.11 The Committee feel that there are no such jobs in FCI where SC and ST candidates could not measure upto the essential qualifications required for a job so advertised. The Committee urge the Ministry of Consumer Affairs, Food and Public Distribution to institute a detailed inquiry to look into the process of recruitment of SCs and STs in the FCI so as to check whether candidates with the essential qualifications have been refused job in the FCI. The Committee stress that if any SC/ST candidate was refused job on the basis of desirable qualifications or other extraneous qualifications fixed by the Selection Board then stringent punishments should be given to those officials who were involved in such denial of jobs to SC and ST candidates on frivolous reasons like non-availability of eligible candidates.

Reply of the Government

2.12 FCI publishes advertisement of every recruitment exam in the Employment News (Hindi and English) as well as advertisement is published in the leading newspapers and regional newspapers. The advertisement is also displayed on the FCI website.

2.13 The Government of India has also directed CMD, FCI to ensure that the posts are given wide publicity especially in SC/ST dominated areas. The CMD, FCI has also been directed to institute a detailed inquiry to look into the process of recruitment of SCs and STs in the FCI so as to check whether candidates with the essential qualifications have been refused job in the FCI.

Updated Action Taken reply

2.14 FCI has already appointed Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant. One of the terms of reference of his appointment covers the review of the process of recruitment of SCs/STs in FCI to check whether candidates with essential qualifications have been refused job in the FCI.

2.15 The Committee during the evidence enquired from the Ministry whether the SC/ST backlog posts for Special Recruitment Drive 2008 were advertised in SC/ST dominated areas and also the particulars of newspapers of SC/ST dominated areas where these were published.

2.16 In their post evidence reply, the Ministry stated that in order to gain wide spread awareness, FCI endeavours to publicise all vacancies for direct recruitment through following various means. The emphasis is to reach target groups likely to be interested in applying for such vacancies.

Employment News: Detailed advertisement of recruitment to all categories (I to IV) is invariably published in all editions of Employment News, i.e., English, Hindi and Urdu. It is the primary reference weekly for all job aspirants of the Government and PSUs and widely circulated throughout the country. The cutoff date of all recruitment processes are

guided by the date of publication in Employment News to ensure uniformity in the process and to allow sufficient time to all candidates.

Website: The recruitment details and registration process are hosted on an integrated website (fciweb.nic.in). The website facilitates all recruitment related actions for the candidates for all the processes involving various categories of posts and of all the zones and Headquarters.

Employment Exchanges: The regional employment exchanges are also notified of the identified vacancies in the Corporation which are advertised to be filled up through open competition.

National Dailies: The vacancy notifications of all the recruitment are published in major national dailies. Even the Category II and III recruitments which are carried out at zonal level are notified through national dailies having countrywide circulation.

Regional Dailies: Further, in order to reach the interior places predominantly inhabited by SC and ST population, the translated recruitment advertisements are also published in the leading regional dailies in local language. An indicative list of the regional language newspapers where recruitment advertisements are published regularly is furnished below:-

Newspaper	Language	Circulation
Loksatta	Marathi	Maharashtra, Goa
Gomanatak	Konkani	Goa
Tarun Bharat	English	Goa
Gujrat Samachar	Gujrati	Ahmedabad, Bhavnagar, Baroda, Rajkot, Surat
Gujrat Vaibhav	Hindi	Ahmedabad
Dainik Bhaskar	Hindi	Raipur, Bilaspur
Central Cronicle	English	Raipur
Dainik Jagaran	Hindi	Bhopal, Rewa UP, Delhi, Uttrakhand, Himachal Pradesh, Haryana Patna, Ranchi, Mujaffarpur
Daily Thanthi	Tamil	Tamilnadu
Eenadu	Telugu	Andhra Pradesh
Prajavani	Kannada	Karnataka
Malayala Manorama	Malayalam	Kerala
Bartaman	Bengali	West Bengal
Sanmarg	Hindi	Kolkatta
Samaj	Odia	Cuttack, Sambalpur
Punjab Keshari	Punjabi	Punjab
Rajasthan Patrika	Hindi	Rajasthan
Imaraat	Kashmiri	J & K
Ajit	Punjabi	Punjab

Comments of the Committee

2.17 Please see Para No. 1.56 of Chapter I.

SPECIAL RECRUITMENT DRIVE**Recommendation (Sl.No. 7, Para No. 2.36)**

2.18 The Committee had noted that backlog vacancies of SC/ST identified under special recruitment drive during 2004-05 in category I was under process. In case of category II posts, it had been stated that remaining posts could not be filled due to non-availability of eligible candidates/ verification of character and antecedents/court cases/ dispute raised by ST Association in South Zone due to incorrect calculation of ST backlog. The Committee are concerned that the target date of filling up the backlog vacancies as per the instructions for filling up Special Recruitment Drive 2004 was 30.06.2005 and the same had not been completed by the specified date. The Committee urge FCI to make all out efforts to fill up all the vacancies identified under Special Recruitment Drive within a time frame. The Committee are surprised that vacancies meant for SCs/STs could not be filled up due to ban on recruitment and that resulted in accumulation of backlog. The FCI has misled the nation and the Committee by giving false declaration that there was a ban on recruitment. They have denied jobs to SCs and STs by citing ban whereas such a ban does not apply on backlog recruitment. Since 2004, the Government had intensified orders to fill up backlog of SC and ST reservations. This is a deliberate mischief planted by the officials of FCI who need to be booked under relevant laws for flouting Government instructions on filling up of SC and ST backlog. The Committee urge the Ministry to initiate immediate action to fill up SC/ST backlog vacancies by holding more Special Recruitment Drive in a time bound manner and also should immediately initiate suitable departmental action against the erring officials who have falsely denied jobs citing ban on recruitment.

Reply of the Government

2.19 FCI has informed that it takes all necessary actions to fill up the backlog vacancies under the Special Recruitment Drives launched by Govt. of India from time to time.

2.20 It is informed that during the SRD-2004, the FCI, South Zone had notified the following vacancies in respect of Cat. II & III Posts:-

Category	Vacancy Notified		Total	Offer of Appointment issued during 2008	Reported		Unfilled vacancies carried forward	
	SC	ST			SC	ST	SC	ST
II	24	15	39	39	14	09	10	06
III	33	18	51	49	22	12	11	06

2.21 It may be seen from above that the backlog vacancies were notified during SRD-2004 in the FCI, South Zone despite the initial constraints. Against the offer of appointment issued to 39 candidates for Cat.II Posts and 49 candidates for Cat.III posts, only 23 candidates in Cat.II and 34 in Cat.III reported.

2.22 However, the unfilled vacancies under SRD-2004 together with backlog for SC/ST identified as on 01.11.2008 have been notified for filling up in the ensuing recruitment process, and it is expected that all the Direct Recruitment vacancies identified as backlog for SC and ST will be filled up.

2.23 At present, Special Recruitment Drive is under process in FCI as per the directions of MoCAF&PD/DoPT for filling up the backlog vacancies reserved for SC/ST as on 01.11.2008. FCI is taking necessary action for filling of these vacancies by publishing in leading news papers as well as employment news and on FCI website.

2.24 The Government has also advised CMD to enquire whether SCs/STs have been denied jobs by citing ban on recruitment whereas such a ban does not apply on backlog recruitment.

Updated Action Taken reply

2.25 Corporation has been conducting Special recruitment drives for filling up the backlog reserved vacancies of SCs & STs from time to time as per the directions of Government of India.

2.26 As already indicated in reply to para No.2.13, FCI is in the process of filling up the backlog vacancies reserved for SCs/STs/OBCs existing as on 1.11.2008 under Special Recruitment Drive and 75% of the vacancies i.e. 146 out of 193 identified backlog vacancies have already been filled. The Special Recruitment Drive also covers 41 vacancies under direct recruitment quota pertaining to South Zone and the progress is given below:-

Details	Number of backlog vacancies identified as on 1.11.2008	Number of backlog vacancies advertised	Number of backlog vacancies filled
Scheduled Caste	24	24	16
Scheduled Tribe	16	16	8
OBC	1	1	1
Total	41	41	25

2.27 The Corporation has already engaged Shri H.S. Rana, Principal Director of Institute of Public Administration, Bangalore as Consultant. His terms of reference include enquiry as to whether SCs/STs have been denied jobs by citing ban whereas such a ban does not apply on backlog vacancies.

Comments of the Committee

2.28 Please see Para No. 1.67 of Chapter I.

SPECIAL RECRUITMENT DRIVE

Recommendation (Sl. No. 8, Para No. 2.37)

2.29 The Committee observe that main dispute raised by ST Association was incorrect identification of vacancies pertaining to STs. The Committee note that Zonal Office(South) had been directed to complete the post based roster in order to correct

number of vacancies and release appointment letters of selected candidates of special recruitment drive in 2004-2005. The Committee strongly recommend to complete the post based roster correctly in South Zone without any further delay. The Department should facilitate and ensure promptness in release of appointment letters. The Committee should be apprised of the latest position in this regard.

Reply of the Government

2.30 The post based Rosters have been completed in the year 2007, and the same was inspected by Dr. G.S. Somawat, Director, National Commission of ST, during his visit to FCI, Zonal Office, Chennai on 14.11.2007 & 16.11.2007.

2.31 This matter has been resolved and selected candidates of SRD-2004-2005 have appointed and they have already joined their duties. FCI, ZO(S) has again advertised the rest of backlog vacancies under SRD-2009 which is under process. The details of backlog vacancies filled in and unfilled under SRD-2004-05 are as under:-

Cat.	Vacancies notified			Vacancies filled			Unfilled vacancies		
	SC	ST	Total	SC	ST	Total	SC	ST	Total
II	24	15	39	14	09	23	10	06	16
III	33	18	51	22	12	34	11	06	17
IV	05	04	09	05	04	09	-	-	-
Total	62	37	99	41	25	66	21	12	33

Updated Action Taken Reply

2.32 The unfilled vacancies under SRD-2004 in South Zone together with backlog for SC/ST identified as on 01.11.2008 have been identified for filling up under SRD 2008-09. The Special Recruitment Drive covers 41 vacancies under direct recruitment quota pertaining to South Zone and the progress is given below:-

Details	Number of backlog vacancies identified as on 1.11.2008	Number of backlog vacancies advertised	Number of backlog vacancies filled
Scheduled Caste	24	24	16
Scheduled Tribe	16	16	8
OBC	1	1	1
Total	41	41	25

SPECIAL RECRUITMENT DRIVE

Recommendation (SI.No. 14, Para No. 3.23)

2.33 The Committee note that the complaints received from SC/ST employees are generally in the form of representation which are registered in general receipt register alongwith other letters in Liaison Cell and referred to concerned officer for redressal. The Committee are of view that since most of these complaints/grievances are related to promotion, appointment on compassionate grounds, retention in same place on promotion, transfer, additional increment, pay fixation, grant of selection grade, etc., these need to be recorded properly, clearly indicating the nature of each case and its disposal. The Committee, therefore, recommend that a separate register be maintained in all the zones as also at its Headquarters. The Committee also urge that the Executive Directors of the concerned zone should monitor these registers periodically to see that all complaints/grievances of SC/ST Officers are redressed properly and ensure that there is no laxity on the part of Liaison Officers. The Committee should also be provided with the present position in regard to details of complaints and grievances received and their redressal during the years 2008 and 2009.

Reply of the Government

2.34 FCI has reported that as recommended by the Committee, a separate register for recording complaints received from SCs/STs is being maintained in the FCI Headquarters. Further, FCI Zones have confirmed that separate registers are being maintained.

2.35 However, as recommended by the Committee, previous instructions for maintaining separate register for recording complaints received from SCs/STs have been reiterated to all Liaison Officers of all Zones. Further, the present position in regard to details of complaints/grievances received and their redressal during the years 2008 and 2009 is given as under:-

2008			2009		
Total No. of complaints/ Grievances received	Disposed off	Pending	Total No. of complaints/ Grievances received	Disposed off	Pending
53	48	5	27	16	11

2.36 During evidence, the Committee were informed that there are altogether 56 grievances from SCs/STs received during the years 2009 and 2010, out of which 41 were disposed of. The Committee, therefore, desired to know the details of 41 grievances which have been disposed of i.e. whether they were in favour of the SC/ST employees or against them and whether there have been instances out of those 41 disposed of applications that the SC/ST employees have sought reconsideration. The Committee also sought the status of the pending 15 grievance in FCI.

2.37 In their post evidence reply, the Ministry have furnished the details of disposal of 41 grievances/applications from SCs & STs (2010 & 2011 to date) as under:-

No	Detail	Cases
1.	Disposed in favour of employees	26
2.	Complaints proved fake on investigation:	4
3.	Cases where action does not lie at level of FCI	8
	<i>Verification of SC/ST certificates cases</i>	5
	<i>Complaints against Co-operative Societies and not handled by FCI</i>	2
	<i>Matter sub-judice in Courts</i>	1
4.	Action held up due to non-submission of required documents by applicant (EPF)	1
5.	Grant of selection grade where applicant was not eligible	1
6.	Transfer requests rejected on administrative grounds	1

2.38 In reply to a query whether out of 41 disposed of cases whether there are any instances where anybody sought for reconsideration, it was replied that in one case of North Zone the applicant has sought reconsideration. Sh Suraj Mal, Ex Manager, Saharanpur filed a complaint for late payment of retirement benefits. Case was closed on ground that payment had been made on time. But the employee has again alleged delay in release of payment and has claimed interest amount. CPF Division has again informed that there was no delay in the payment.

2.39 The Ministry have also furnished the status of the pending 15 applications as under:-

Zone	No.	Status
Headquarters	5	3 cases disposed. 2 cases pertaining to verification of certificates referred to respective Zones.
East Zone	1	Employee has filed Writ Petition No 6142/2006 in Orissa High Court against his dismissal from service.
North Zone	9	1 case disposed. In 2 cases, complainants have denied making any complaint. 2 cases pertain to pending disciplinary action. 1 case – Enclosures of complaint not received. Same have been sought. 1 case – No response from complainant for authentication of complaint. 1 case – Concerns remarks in ACR. Reply given in March 2011. Applicant has again represented in June. Matter being examined. 1 Case – Concerns promotion. Being examined.

2.40 During the evidence, the Committee also enquired about the transfer of Shri G. Maharaj Kumar, AGM (Genl) in Chennai Zonal Office and All India President of the Food Corporation of India Scheduled Castes and Scheduled Tribes Employees Welfare Association, from Chennai to Bihar.

2.41 The Ministry furnished the factual position regarding transfer of Shri G. Maharaj Kumar, AGM(General) from ZO (South), Chennai to Bihar Region as under:-

- i. Shri G. Maharaj Kumar, AGM (General) was transferred from Zonal Office (South), Chennai and posted to Regional Office, Bihar at Patna vide Hqrs Office Order No. 57/2011-E.I dated 23.05.2011 due to operational/administrative requirements.
- ii. He had been working in Chennai since 06.06.1977 except for a short two year stay in Srikakulum. Thus, his total stay in South Zone is 34 years of which he remained at Chennai for 32 years. He was working as AGM (General) in ZO (South) since 16.02.2006. Sh. Kumar retires in December 2016.
- iii. He was transferred and posted to Bihar Region on the basis of longest stay as AGM (General). In terms of FCI (Staff) Regulations, 1971 and transfer policy guidelines the Category-I officers can be transferred to any place at any time as per administrative requirement and exigencies of work.
- iv. Under FCI guidelines dated 21.11.2002 and 5.1.2011 the office bearers of any of the Union/Staff Association including recognized Unions are not exempt from transfers. However, subject to administrative convenience, the President and the General Secretary of the recognized Unions at the All India, Zonal and Regional levels may not be transferred outside the station during the period the employee holds such positions. This concession/immunity will be allowed maximum for two tenures in the capacity of President or Secretary.
- v. The Food Corporation of India Scheduled Caste and Scheduled Tribe Employee Welfare Association is not a recognized Union in FCI. As such its office bearers are not covered under the extant guidelines.

2.42 The Committee have also received representations from Dr. Ambedkar Food Corporation of India Employees Union regarding harassment case of SC/ST officials of FCI. It has been alleged that on Smt. M.V. Valasala, DGM (Genl.), Mumbai, a penalty of pay has been imposed thereby reducing her pay by 3 stages. In case of Shri B.E. Raja, DGM (Fin.) Bangalore, his promotion has been stalled for 3 years. There also has been Attempts have also been made in past to harass these officials by transferring them. Factual comments have been asked from the Ministry on 8th December, 2011. However, no communication has been received in this regard.

Comments of the Committee

2.43 Please see Para No. 1.78 of Chapter I.

Recommendation (SI.No. 16, Para No. 3.29)

2.44 The Committee note that the eligibility criteria for selection of employees for in-service training is also same as it is for attending seminars/symposia, conference etc. abroad. The Committee were informed that no percentage has been prescribed for reservation for SCs/STs in training under the Government of India rules which are followed in FCI. Despite the fact that there is no reservation for SCs/STs in imparting training to them, the Committee feel that it is essential to enhance skills substantially both for career development and capacity building of SC/ST employees. The Committee, therefore, recommend that more SC/ST employees should be nominated for in service training.

Reply of the Government

2.45 FCI has reported that the Committee's remarks will be strictly compiled with as per Govt. of India/DoPT guidelines and as per the training needs and due care would be taken while nominating the employees for in service training in future.

Updated Action Taken Reply

2.46 As per the recommendation of the Committee, necessary advisory has been issued to the Training Division that more SC/ST employees may be nominated for in-service training to enhance the skills substantially for career development and capacity building of SC/ST employees. The position regarding the no of SC/ST Participants in refresher Courses & Induction Training Programmes at IFS Gurgaon w.e.f April 2010 to June 2011 is as under:-

S.No	Year	No of course Conducted	Total no of Participants including SC/ST	No of SC/ST Participants only		% of SC/ST Participants Attended the course
				SC	ST	
1	2010-11	84	1639	360	207	35 %
2	2011-12	19	461	111	63	38 %
Total		103	272	471	270	35%
				741		

APPOINTMENT ON COMPASSIONATE GROUNDS

Recommendation (SI.No. 18, Para No. 4.12)

2.47 The Committee observe that in FCI, applications for appointment against compassionate quota are in excess of the number of vacancies available for compassionate appointment. As on 1.1.2008, FCI had 380 applications received from dependents of deceased SC/ST employees pending for appointment on compassionate ground. As per the Government of India instructions, appointment on compassionate grounds in Group 'C' and 'D' posts is fixed at 5% of the direct recruitment quota in a year. The Committee are of the view that because of this restriction, it might not be possible to give appointment on compassionate grounds to all applicants in near future, even though the concerned Department would like to act very compassionately to the bereaved families in distress. The Committee note that the FCI does not have any

proposal presently for providing lumpsum amount in lieu of providing job on compassionate grounds. The Committee, therefore, urge the FCI to introduce monetary assistance scheme in lieu of providing job on compassionate grounds and recommend expeditious action in the matter.

Reply of the Government

2.48 The Food Corporation of India (FCI) is at present following the instructions of Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training in the matter of compassionate appointment. The FCI had submitted a proposal for implementation of IBA Scheme for the past cases and SAIL's scheme for the future cases in the FCI in lieu of the compassionate appointment being made as per the DOPT guidelines. Since the implementation of these scheme was very expensive and therefore not agreed to. However, FCI has been requested to explore the possibility of group insurance for its employees.

Updated Action Taken Reply

2.49 FCI is already providing financial assistance to the dependents of the deceased employee as per following schemes:-

(i) FCI Group Insurance Scheme: An amount of Rs.1,02,000/- is paid under FCI Group Insurance Scheme, 1980 as a welfare measure to the legal heir(s) of the Corporation's deceased employees' governed by the FCI(CPF) Regulations, 1967.

(ii) Benevolent Fund: Rs.30,000/- is given to the family of the deceased employee as relief under Benevolent Fund. FCI contributes 50% of this amount and other 50% is managed out of the contribution made by the employees towards the Benevolent Fund.

FCI is further exploring the possibilities of enhancing the monetary assistance to the family of the deceased employee in following ways:

(i) By way of insurance cover under proposed Pension Scheme

2.50 Recently, FCI has formulated a pension scheme for its employees within the ambit of guidelines issued by the Department of Public Enterprises regarding superannuation benefits of employees of the CPSEs. This Scheme has been submitted vide letter No.EP-39(1)/2009 dated 31.03.2011 to the Department of Food and Public Distribution under the Ministry of Consumer Affairs, Food and Public Distribution for approval of the Government. This Pension Scheme has a provision to take care of contingency of death of any member of the Scheme by way of a term assurance cover equal to three months' Basic plus DA for each year of balance service to provide a benefit to the surviving family members of the deceased employee. Proceeds received against insurance cover to go to pension fund for purchase of annuity to ensure adequate pension to the family member of ex-employee.

(ii) Benevolent Fund Scheme

2.51 An internal Committee in FCI has been formed to review the present Benevolent Fund Scheme with a view to enhance the benefits provided under the present scheme.

2.52 During the evidence, the representative of Food Corporation of India on the matter of compassionate appointment stated:-

“.....As per DOPT guidelines, compassionate employment is to be given up to a maximum of five per cent of vacancies under direct recruitment quota in Group C and D at entry level. There has been a ban on recruitment virtually from 1984 to 2001. From 2001 to 2009, our recruitment was limited to one per cent of the vacancies. For this reason, in the past there has been a constraint in considering cases of compassionate employment. As the CMD sahib has mentioned, the Government has approved the recruitment plan for the Corporation.....”

2.53 The Committee further enquired from the Ministry about the IBA scheme and SAIL's scheme. The Committee also sought the details of the pending applications received from dependents of the deceased SC/ST employees for appointment on compassionate grounds as on 31.12.2010.

2.54 In their post evidence reply the Ministry stated the details of the IBA and SAIL

Schemes of Indian Banks Association (IBA) (for existing employees on the date of implementation)

Factor	Details
Nature	Voluntary scheme
Eligibility	Lump sum ex-gratia amount is payable to the family of deceased employee if monthly income from all sources are less than 60 % of last salary drawn (Net of taxes) by the deceased employee.
Contribution by employee	Nil
Benefit	Ex-gratia amount will be calculated @ 60 of the last drawn gross salary (net of taxes) for each month of remaining service. Upper limit Officers - Rs.8 lakhs Clerical Staff - Rs.7 lakhs Subordinate staff - Rs.6 lakhs

Scheme of Steel Authority of India Limited (SAIL)(for pending cases)

Factor	Details
Nature	Voluntary scheme
Eligibility	Death /permanent total disablement with minimum one year of service.
Contribution by employee	Deposit entire PF (compulsory contribution of employee and employer) and Gratuity with organisation
Benefit	Monthly payment (Basic pay plus DA) till the date of superannuation of deceased employee. After date of superannuation, the amount of PF and gratuity deposited will be refunded without any interest.

2.55 Ministry vide letter No.10-5/2005-FC.I dated 31.07.2007 observed that under SAIL Scheme, FCI will keep making payment till the date of retirement without getting any commensurate work whereas IBA Scheme is very expensive.

2.56 The Ministry also provided the details of the pending applications received from dependents of the deceased SC/ST employees for appointment on compassionate grounds as on 31.12.2010 as under:-

Zone	Total applications received	Applications from dependents of the deceased SC employees	Applications from dependents of the deceased ST employees
East	35	2	4
West	81	17	9
North	346	99	4
South	166	65	6
NE	67	9	13
Total	695	192	36

Comments of the Committee

2.57 Please see Para No. 1.105 of Chapter I.

Recommendation (Sl.No. 19, Para No. 4.16)

2.58 The Committee note that there is no reservation fixed in allotment of residential accommodation for SC/ST employees. The Committee desire that FCI should reserve quota in accommodation for SC/ST employees in line with office orders of Government of India on the subject vide G.O.I., M.U.D., Dir. of Estates O.M. No. 12035 (10/84-Pol.II, dated 25.11.1985 and G.I., Dir. of Estates, O.M. No. 12035 (10)/84-Pol.II, dated 7.4.1986.

Reply of the Government

2.59 The Government has directed FCI to follow the Govt. of India instructions in line with Ministry of Urban Development Directorate of Estates on housing quota reserved for accommodation for SC/ST employees.

Updated Action Taken Reply

2.60 As per the recommendations of the Committee, the necessary instructions have been issued by the FCI for following the instructions of GOI on reservation in the matter while allotting the FCI Residential Accommodation to SC/ST employees in the Corporation. The copy of the Circular No.EP-37(1)/99-Vol.II dated 08.09.2010 is at

Appendix-I.

2.61 The Committee sought from the Ministry number of application received for housing allotment to SC/ST and the number of SC/ST employees who have already been provided with accommodation.

2.62 In their post evidence reply Ministry stated that applications of 4 ST and 1 SC employees are pending in H.P. region as on date. There are 17 residential units in H.P. region and all of them are occupied. Out of 17, a total of 10 residential units are allotted to SC/ST employees. The details of number of SC/ST employees who have already been provided with accommodation are as under:-

Zone	Accommodation allotted to SC/ST	Accommodation allotted to SC's	Accommodation allotted to ST's
East	5	3	2
West	56	32	24
North	44	21	23
South	9	7	2
NE	0	0	0
Hqrs.	1	1	0
Total	115	64	51

2.63 During Evidence the Committee was informed that 22.90% and 11.45% of houses have been allotted to SC's and ST's in FCI. The Ministry also provided updated position in this regard which indicates that 20.75% and 18.81% of houses have been allotted to SC's and ST's in FCI. 115 houses are vacant on date.

CHEPTER – III

Recommendations/Observations which the Committee do not desire to pursue in view of the replies received from the Government

RELAXATIONS/CONCESSIONS IN RECRUITMENT**Recommendation (Sl.No. 5, Para No. 2.23)**

3.1 The Committee also observe that the prescribed percentage in promotion is 15% for SCs and 7.5% for STs in all categories of posts whereas the prescribed percentage for direct recruitment of SCs and Sts varies from State to State in category III & IV posts. In such a situation, the Committee would like to know how the FCI is trying to maintain the prescribed percentage in promotion.

Reply of the Government

3.2 FCI has informed that the overall proportion of employees belonging to SC and ST in the FCI as on 31.12.2009 is 25.35% and 8.36% respectively of the total man power, which is more than the prescribed percentage.

3.3 FCI has been able to appoint/promote more than the prescribed percentage in each of the reserved categories.

3.4 In FCI, the Backlog/shortfall vacancies of SC and ST in Cat.II, III & IV posts were filled by promotions as per existing rule/instructions issued by FCI Hqrs./Govt. of India from time to time to maintain the prescribed percentage in promotion.

3.5 In some cases, the backlog vacancies of SC and ST could not be filled due to non-availability of eligible candidates in the feeder cadre/grade despite certain relaxations/concessions to SC/ST employees as per instructions of Govt. of India.

3.6 A Special Recruitment Drive has been launched to fill up the backlog vacancies reserved for SC/ST in promotion which is under process.

Updated Action Taken Reply

3.7 As on 31.12.2010, representation of SC's is 24.63% & ST's is 8.90% of the total man power as against the prescribed percentage of 15% and 7.5% respectively.

3.8 The detailed position is as given below:-

GROUP	Sanctioned Strength	Total No. of employees	No. of SC	% of SCs	No. of ST	% of STs
A/Cat.I	1012	678	133	19.62	66	9.73
B/Cat.II	6292	5425	1083	19.96	598	11.02
C/Cat.III	26831	17048	3839	22.52	1338	7.85
D/Cat.IV	2380	8096	2642	32.63	779	9.58
Grand Total	36515	31247	7697	24.63	2781	8.90

Recommendation (Sl.No. 9, Para No. 3.9)

3.9 The Committee note that an SCT Cell is functioning in the Department of Food & Public Distribution which scrutinizes the rosters and other matters relating to reservation in respect of PSUs including FCI as and when sent by the Administrative Divisions in the department. The SCT Cell comprises an Under Secretary, Section Officer and a dealing hand. The Committee also note that a Liaison Officer has been appointed in the Department to look into the implementation of reservation policies for SCs/STs and welfare of SCs/STs. The Liaison Officer appointed in the Department is of the rank of Deputy Secretary. The Committee further note that besides the works relating to SCs and STs, the Liaison Officer has been assigned the duties of administrative matters of S&R Division, Public Grievance Officer of EOP Division. The Committee feel that putting additional responsibility beyond his capacity may dilute the whole purpose of his appointment as Liaison Officer. It may be difficult for him to concentrate on his specific

duties enumerated in para 15.1 of the Brochure on Reservation for SCs and STs in Services which are cumbersome enough to keep him engaged. The Committee, therefore, recommend that the Liaison Officer should not be over-burdened so that his specific duties remain unaffected.

Reply of the Government

3.10 Liaison Officer of the department is responsible to inspect/scrutinize the roster maintained by various administrative branches of the department only. Attached offices, subordinate offices and PSUs under the department have their own Liaison Officers for this purpose.

3.11 FCI has Liaison Officer at various levels, Headquarters, Zonal Offices, Regional Offices and District Offices.

Recommendation (Sl.No. 10, Para No. 3.10)

3.12 The Committee express their serious concern over the reply of the Government that rosters are scrutinized by the SCT Cell in the Ministry as and when sent by the Administrative Division of FCI in the Department. The Committee are of the view that it is the suo moto duty of the officials of the SCT Cell of the Ministry to inspect the establishments of the FCI and check the rosters periodically and strongly recommend that this Cell should not wait for the rosters to be sent to them for scrutiny and in future, its officials shall visit the FCI establishments and scrutinize the rosters and if any discrepancy is found, it should be brought to the notice of the Head of the FCI as well as Secretary of the Ministry for getting the same rectified.

Reply of the Government

3.13 FCI is having a separate Liaison Officer at senior level who is monitoring the rosters and inspects the Regional and Zonal Offices of FCI. A circular of FCI in this

regard is enclosed herewith for ready reference. The Liaison Officer of the Department is responsible for the Department only.

Recommendation (Sl.No. 11, Para No. 3.11)

3.14 Similarly, Liaison Officers have also been appointed at Head Office, Zonal Offices, Regional Offices and District Offices of FCI. SC/ST Cells have also been set up in the headquarters and 5 Zonal Offices of FCI. The Committee stress that Liaison Officer appointed in the Department of Food & Public Distribution should not be burdened with any other work except the work relating to SCs and STs in the Department and in respect of all PSUs under the administrative control of Department. The Committee desire that Liaison Officers and the incumbents working in the SC/ST Cells of the Department and the FCI should be appointed only if they are knowledgeable about reservation policy so that the Liaison Officers and staff working in SC/ST Cells can do justice to the work assigned to them. If need be, the Liaison Officers and Staff working in SCT Cells should be given training on reservation matters before their posting.

Reply of the Government

3.15 FCI has informed that the training programme on Reservation Policy is carried out/conducted from time to time in the Corporation to educate Liaison Officers/Staff on implementation of reservation policy of Govt. of India. The controlling offices are required to nominate the officers/officials for these training programme to upgrade their knowledge whenever, there is a training need.

3.16 FCI has informed that the Training Division with the FCI has been conveyed about training need and it has been assured that training on reservation policy would be incorporated in the FCI's Training Calendar for year 2010-11.

Updated Action Taken Reply

3.17 A special programme on Reservation Policy for concerned FCI Officers/Officials was organized by FCI at Headquarters from 8th to 9th September 2010 in association with the Indian Institute of Public Administration, Bangalore. The programme was attended by CLO/Los/Officials dealing with reservation at various levels in FCI. A Compendium of instructions pertaining to reservation was also prepared and circulated to participants to facilitate implementation of the Reservation Policy.

3.18 The CLO, Headquarters was also deputed for a Residential training programme for Chief Liaison officers on Reservation Policy of Government of India in April'2010.

3.19 Institute of Food Security (IFS) Gurgaon also conducts training courses on reservation policy for SC/ST/OBC & others. Details of courses organized by IFS in the last 3 years are given below:

S.No	Year	No of course Conducted	Total no of Participants
1	2009-10	7	130
2	2010-11	7	170
3	2011-12 (to date)	4	142
Total		18	442

Recommendation (Sl.No 12, Para No. 3.15)

3.20 The Committee note that certain discrepancies in the roster had been noticed in FCI by Liaison Officers and were pointed out to concerned office for rectification. The Ministry, however, did not explain the details of the discrepancies. The Committee would like to stress that it is the duty of the Liaison Officer to submit report of cases of negligence or lapses in the matter of following the reservation policy and other issued relating to SCs and STs coming to light through inspection, carried out by him to the Head of Department. The Committee, therefore, desire that discrepancies should not be

taken lightly but brought to the notice of the Head of Department for his necessary directions.

Reply of the Government

3.21 FCI has reported that as and when the FCI Liaison Officer observes any discrepancy in the roster relating to SCs/STs, the position is apprised to Head of the Department for rectifying the same before the roster is vetted by the Liaison Officer.

3.22 This exercise is done regularly to implement Govt. of India policy on reservation and accordingly vacancies for Direct Recruitment (DR) / Promotion (PR) are worked out/determined.

ROSTERS

Recommendation (SI.No. 13, Para No. 3.16)

3.23 The Committee take serious note of the fact that Liaison Officer of the Ministry has not inspected the roster and strongly recommend the Ministry to ensure that their Liaison Officer inspects these rosters periodically and discrepancy, if any, bring to the notice of the Head of FCI as well as Secretary of the Ministry to get the same rectified.

Reply of the Government

3.24 There are independent Liaison Officers at department/attached/ subordinate offices/PSUs levels and they are responsible for inspection of rosters of their organization and to bring discrepancy, if any, to the notice of Head of Department.

Recommendation (SI.No. 15, Para No. 3.26)

3.25 The Committee note that FCI are sending its employees for training/attending seminars/symposia/conference, etc. abroad depending upon their job profile, past training experience and requirement of Institution/Organization, upgrading skills/knowledge, number of years left in service, suitability of an employee for a particular training. The Committee regret to not that not a singly SC/ST employee was

sent for training abroad during the years 2003-2004, 2004-2005 and 2006-2007. Out of 16 persons sent abroad for training during the year 2005-2006, only one person belonged to SC category, and in the year 2007-2008, out of 14 persons, only 2 SC and 1 ST candidates were sent abroad for training. The Committee would like the Ministry to ensure that FCI give fair opportunity to SC/ST officers while nominating candidates for foreign training which is essential for wholesome development of their personality.

Reply of the Government

3.26 FCI has reported that it gives fair opportunity to the SC/ST candidates as per their training need. The eligibility criteria for selection of employees for training/attending seminars/symposia, conference etc abroad depend upon their job profile, past training, experience and recruitment of Institution/Organization, etc. keeping in view, deficiency of skills/knowledge, number of years left in service, suitability of an employee for a particular training.

Updated Action Taken Reply

3.27 The details of the officers nominated for foreign training are as under:-

Year	No. of officers nominated for foreign training	No. of SC/ST officers nominated for foreign training
2008-09	9	2
2009-10	2	1
2011-12(till date)	1	1

SOCIO-ECONOMIC DEVELOPMENT OF SC/STs

Recommendation (Sl.No. 20, Para No. 4.22)

3.28 The Committee note that whereas the foodgrains are being allotted by the Ministry of Consumer Affairs, Food & Public Distribution at subsidized prices in favour of SC/ST/OBC hostels or other welfare institutions and hostels (including SC/ST/OBC

hostels) being run by the State Governments to meet their requirement of foodgrains, the FCI releases foodgrains against the allotment to State Government and their nominated agencies. However, separate bifurcation of allotment and offtake made specially for SC/ST/OBC hostels are not available with FCI, even though separate allotment under SC/ST/OBC hostels was made only to the States of Andhra Pradesh in the year(s) 2005-06 and 2006-07 and in Karnataka in the year 2006-07. The Committee, however, have not been apprised as to why separate allotment under SC/ST/OBC hostels was made only to the States of Andhra Pradesh and Karnataka. The Committee view that FCI should have maintained separate allotment under SC/ST/OBC hostels for all the States/UTs too so that it would have been easier to monitor the food grains meant for such hostels have actually been allotted and utilized. The Committee, therefore, recommend that FCI should keep separate allotment and offtake data in regard to allocation made to SC/ST hostels in each State/UT. The Committee also observe that the offtake of wheat and rice made available under the Head "Welfare Institutions and Hostels" during the years 2004-05, 2005-06 and 2006-07 was much less than the allocation made. The Committee should be apprised as to the reasons for lesser offtake of foodgrains under the Head by States and UTs. The Committee strongly recommend that FCI should ensure that all the State Governments/UTs to take advantage of allocation made under the Head "Welfare Institutions and Hostels" so that allocated food grains are utilized for the welfare of SC/ST staying in SC/ST hostels.

Reply of the Government

3.29 FCI has informed that with regard to maintenance of separate allotment and offtake data in regard to allocation made to SC/ST Hostels in each State/UT, it is stated that FCI releases foodgrains to SC/ST/OBC Hostels as per the allotment of foodgrains made by the Ministry of CAF&PD, Govt. of India. In the past, the Min. of CAF&PD was

making allotment for SC/ST/OBC Hostels for almost all the States/UTs. Since, 2002-03, the Ministry had started making allotment for Welfare Institutions & Hostels for all the States/UTs keeping in view the demands of Welfare Institutions & Hostels other than SC/ST/OBC Hostels. However, making allotments under SC/ST/OBC Hostels was continued from time to time only for few States.

3.30 The States/UTs to whom separate allotment under SC/ST/OBC Hostels are not made by the Ministry of CAF&PD are fulfilling their requirement out of the allotment made under Welfare Institutions & Hostels. For which no separate allotment is available with FCI as the same is being utilized by the States/UTs as per their requirement.

3.31 However, separate offtake figures of said allotment are not readily available with FCI Hqrs. and will be furnished on receipt of the same from concerned field offices of FCI.

3.32 With regard to less offtake against the allotment under Welfare Institutions & Hostels during 2004-05, 2005-06 and 2006-07, it is stated that Food Corporation of India only issues stocks of foodgrains to the State/UT Govt. or their nominees as per the allocation and price fixed by the Govt. of India (Ministry of CAF&PD). The responsibility to lift the stocks from FCI godowns as per their requirement/allotment remains with the concerned State/UT Govt. Hence, FCI has no comments to offer with regard to low offtake.

3.33 Further, it is stated that FCI always endeavor to make supplies to the States/UTs Government as per the requirement/allotment of the MoCAF&PD. It is the prime responsibility of the concerned State/UT Govts. to lift the stocks of foodgrains from the premises of FCI against the allotment within the given time frame and ensure its distribution to the actual beneficiaries/end consumer.

Updated Action Taken Reply

3.34 The details of offtake against the allotment made by the Govt. of India particularly for the SC/ST/OBC Hostels for the period 2002-03 to 2010-11 is enclosed at **Appendix-II**.

3.35 Not satisfied with the above reply, the Committee during the evidence enquired from the Ministry the criteria for providing separate allotment under SC/ST/OBC Hostels to only few states. The Committee also asked the Ministry whether in the absence of separate allotment of foodgrains to SC/ST/OBC Hostels in various States and Union Territories, any complaint has been registered in relation to siphoning of foodgrains. The Ministry was also asked whether it sends regular notices to various States and Union Territories to lift the stocks from FCI godowns as per their requirement/allotment. The Committee also desired to know whether the Ministry recommend optimal offtake figures of foodgrain required by SC/ST/OBC Hostels in different States and Union Territories bases upon their earlier requirements. The Committee also sought from the Ministry the reasons for allocating foodgrains for the year 2004-05, 2005-06 and 2006-07 in subsequent years.

3.36 In their post evidence reply the Ministry stated that initially when the scheme was launched in October 1994, the States were required to lift the requirements directly from FCI. No formal allocation orders were issued by the Department. However, subsequently since 2001-02, the demands for allocation under the scheme have been received in the Ministry from various States. These requests were forwarded to FCI for issuing necessary allocation. Also, there have been demands only from a few States for allocation of foodgrains under the scheme. Presently, during the last few years, demands for foodgrains under the scheme have been received from States such as Andhra Pradesh, Karnataka, Tripura, Nagaland, Dadra and Nagar Haveli and Maharashtra.

3.37 The Ministry stated that Utilization Certificate is obtained from the States to which allocations are made on basis of request received from the State. The Department has not received any complaint regarding siphoning of foodgrains under the scheme.

3.38 The Ministry in their post evidence reply also submitted that initially, the States were required to approach FCI for supply of foodgrains under the scheme as per the requirement. Presently, the allocation of foodgrains under the scheme are made on the basis of requests received from States indicating their annual requirement on the basis of the number of inmates of SC/ST/OBC Hostels and intimated to FCI. The Department allocates foodgrains under the scheme to the State Governments/UT Administrations on the basis of receipt of their proposals for requirement of foodgrains. Regarding offtake against these allocations, the States are required to furnish Utilization Certificate.

3.39 The Ministry stated that it has been impressing upon States to maximise offtake under various schemes from time to time.

3.40 With regard to delayed allocation of foodgrains, the Ministry answered that the foodgrains are allocated under the scheme to States based on requests received from them during the same year for which allocations are made. However, in a few cases delayed allocations have been made due to late receipt of proper Utilisation Certificate for the allocations made to them in previous years.

CHEPTER – IV

Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration

BOARD OF DIRECTORS**Recommendation (Sl.No. 1, Para No.1.12)**

4.1 The Committee note that as on 4.7.2007, the Board of Directors comprised Chairman & Managing Director (FCI); three Directors of Central Ministries dealing with Food, Finance and Co-operation; MD, Central Warehousing Corporation (CWC) and one non-official Director. The Committee note with concern that as on 4.7.2007 five posts of non-official Directors were laying vacant. The Committee also regret that none of the present incumbent on the Board of Directors belongs to SC/ST communities and even the records of past details of persons belonging to SC/ST in the Board are not available with the Government. Whereas the Committee note that no constraints/difficulties are faced by the Government while appointing atleast one SC/ST person on the Board yet, the Committee fail to understand Government's inaction in the matter. The Committee, therefore, recommend that concerned Ministry should ensure that posts of non-official Directors on the Board do not remain unfilled for long and also urge both the Ministry of Consumer Affairs, Food and Public Distribution and FCI to ensure representation of atleast one SC/ST member on Board of Directors in future to deal with issues related to SC and ST employees and in all other matters of FCI. The Committee should also be apprised of the latest composition of the Board of Directors.

Reply of the Government

4.2 The appointments to the Board of Directors of the FCI are done as per the Food Corporations Act, 1964 as per which the appointments are to be made irrespective of the caste status of the person.

4.3 As per Section 7 of the Act the composition of the Board of Directors of FCI is as follows:

- (a) a Chairman
- (b) three directors to represent respectively the Ministries of the Central Government dealing with-
 - (i) food
 - (ii) finance, and
 - (iv) co-operation;
- (c) the managing director of the Central Warehousing Corporation established under section 3 of the warehousing Corporations Act, 1962 (58 of 1962), ex officio;
- (d) a managing director;
- (e) six other directors.

The present composition of the Board of Directors of the FCI is as under:

- Shri Siraj Hussain, Chairman & Managing Director, FCI
- Shri B.B. Pattanaik, Managing Director, CWC
- Shri Rakesh Garg, Joint Secretary
- Shri Desh Deepak Verma, AS&FA
- Shri Mukesh Khullar, Joint Secretary

Updated Action Taken reply

4.4 The composition of the Board of Directors of the FCI as on 16.06.2011 is as

follows:-

1. Shri Siraj Hussain, Chairman & Managing Director, Food Corporation of India, Headquarters, New Delhi
2. Shri T.S. Randhawa, Addl.Secy.& F.A., M/o CAF&PD, Krishi Bhavan, New Delhi. representing Finance from the Ministry of Central Government.
3. Shri Naveen Prakash, Joint Secretary (Stg.), M/o CAF&PD, Krishi Bhavan, New Delhi representing Food from the Ministry of Central Government.
4. Shri Mukesh Khullar, Joint Secretary, Ministry of Agriculture, Krishi Bhavan, New Delhi representing Agriculture & Cooperation from the Ministry of Central Government.
5. Shri B.B. Pattanaik, Managing Director, Central Warehousing Corporation, Hauz Khas, New Delhi
6. Shri D.S. Grewal, Secretary (Food), Govt. Of Punjab, Mini Secretariat, Room No. 410, 4th Floor, Sector-9, Chandigarh. As other Director.

Five posts of other Directors are vacant and processing for their appointment is being done.

4.5 During evidence the Committee specifically enquired as to what action has been taken by the Ministry in regard to recommendation made by the Committee for including one SC/ST member on the Board of Directors of FCI to which the Secretary, Department of Food and Public Distribution stated that:-

“Sir, there are vacancies on the Board of Directors of the Food Corporation of India. The Department of Public Enterprises have issued guidelines, and they are mandatory now. They say that as per those guidelines, the appointments should be made. So, our Ministry is in the process of recommending the panels of names. We have to recommend the panels to the Department of Public Enterprises. Then, it goes to the Public Enterprises Selection Board. Sir, the selection takes place there. Then, it comes back to our Department, and then our hon. Minister has to appoint the Directors”

4.6 He further added:-

"The process is going on. We shall give due regard to the observations of the Committee. I can give you one instance, where the predecessor of Shri Siraj Hussain was from the Scheduled Tribe category. So, we will definitely give due regard to the recommendations of the Committee."

4.7 The Committee desired to know about the guidelines that have been framed by Government, to which the Secretary replied:-

“.....I would like to submit to the Committee that the guidelines do not make any mention of whatever has been recommended by the Committee.”

4.8 Further the Secretary stated:-

“Sir, they are not specific for our Department. They are for the entire Government. They are guidelines issued by the Department of Public Enterprises. So, they have set the guidelines. The panels of names would be put on the website as well as on the record by the Department of Public Enterprises and the Public Enterprises Selection Board. There will be eminent academicians; there will be eminent persons who have served in the public sector undertakings. There are some accountants, some people in the public life also. Their list would be drawn up and kept there. So, the only job of the Department is that ‘we shall pick up three names for each vacancy.’ For example, if there are four vacancies, we shall pick up three names for every vacancy and just forward it to the Department of Public Enterprises. There is a Search Committee or any such Committee. They will pick up for one, two, three names. Then they will send it to us. We are supposed to appoint them with the approval of the Appointment Committee of the Cabinet. These are the guidelines.”

4.9 When the Committee expressed doubt about any candidate from SC/ST categories being included in the panel, the Secretary, Department of Food and Public Distribution explained:-

"..... the panel is maintained by the Department of Public Enterprises. We fully agree with you that the prominent people are available. I have only stated that those guidelines have been made mandatory, now. So, our choice is confined to the people on the panel. So, the people go and get themselves empanelled. But it is the Department of Public Enterprises, which maintains the list. It is very important that the people whom we consider competent and who are fulfilling the requirement, should be there on the part of the panel. In that case, we shall also be free to pick up the people. But if the people are not there at panel, then as per the guidelines, our hands are tight."

4.10 Having noted that the post of non-official directors on the Board were vacant, the Committee in their written queries further enquired about the reason for keeping these post vacant for a long time and the authority responsible for appointment/ nomination of non-official directors. The Committee also enquired about the criteria for their selection and by what time they intend to fill the vacant posts of non official directors and whether the Government propose to nominate any SC/ST incumbent for such posts.

4.11 In their post evidence reply, the Ministry stated that at present five posts of Directors are vacant in the Board of FCI. Appointment of Independent Directors are to be made as per guidelines on corporate governance for Central Public Sector Enterprises (CPSEs) which were issued by Department of Public Enterprises (DPE) only in May, 2010 and the appointment process is a lengthy process. It was also stated that the proposals for appointment of Independent Directors on the Board of CPSEs are initiated by the concerned administrative Ministry/Department. The selection of the Independent Directors is made by the Search Committee / PESB and the concerned Ministry/Department appoints the Independent Director on the recommendations of the Search Committee/ PESB after obtaining the approval of ACC. For appointment to the post of Independent Directors on the Board of CPSEs the DPE lays down certain criteria

specifying the age (45 to 60 years), qualification and experience. As per the guidelines, persons of eminence with proven track record from industry, business or agriculture are only to be considered. The DPE maintains a data bank of such persons suitable for appointment to the post of Independent Directors in the CPSEs. It was also stated that the appointment to the vacant posts of other directors on the Board of Directors of FCI is being processed and are done as per the Food Corporations Act, 1964 and the DPE guidelines according to which the appointments are to be made irrespective of the caste status of the person.

Comments of the Committee

4.12 Please see Para No. 1.15 of Chapter I.

Recommendation (Sl. No. 2, Para No. 2.13)

4.13 The Committee note that appointment procedure for direct recruitment to various grades is laid down under Regulation of the FCI (Staff) Regulation, 1971. The percentage of reservation for SCs and STs in Category I and II posts is reported to be 15% and 7.5% respectively while in Category III and IV, the percentage of reservation for recruitment differs from State to State/UT as determined by the Government. The Committee note that reservation orders are applicable to all category of posts in FCI except the posts of Chief General Manager (CGM) and Executive Directors (EDs) as these are senior Class I posts and are generally filled either by promotion of executives within the organization or by taking deputationists. The Committee do not agree with this reply of the Government, since, there is a Constitutional provision under Article 16(4A) which says that "Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State are not adequately represented in the services under the State".

The Committee would like to know why the posts of Chief General Managers and Executive Directors have been left out of the purview of reservation. In such a situation, how the representation of SCs and STs as 15% and 7.5% prescribed for all categories of posts is ensured in FCI. The Committee feel that allowing such situation to prevail in the FCI amounts to violation of provisions of the Constitution made for the welfare of SCs and STs. In view of above proviso of the Constitution, the Committee strongly recommend to Government to take necessary steps so that reservation is made applicable to all categories of posts. As per the procedure as laid down under Regulation 9 of the FCI (Staff) Regulations 1971, for making appointment to Category I and II posts, the vacancies are notified to Regional Employment Exchanges as also advertised in prominent newspapers and Employment News. Similarly, recruitment to Category III and IV posts is made through local employment exchanges and through newspapers. Despite the exercise, the Committee note that FCI has not been able to fill up the SC/ST posts during the year in which these had occurred. As a result, over the years the backlog of SC/ST posts have accumulated. The reason for not filling up SC/ST posts is that FCI conducts direct recruitment only on approval from the Ministry. It has been reported that 907 posts of SC/ST in different categories were advertised during the year 2005 under Special Recruitment Drive. Yet, the Committee note that in the year 2006, the SC and ST posts were carried forward in all categories of posts. The Committee would like to know why such a large number of SC/ST vacancies persist in FCI. The Committee strongly recommend that the FCI should make all out efforts to fill up all posts reserved for SCs and STs in all categories within a time frame. The Committee also recommend that the FCI should provide the details of recruitment carried out in the years 2007, 2008 and 2009 as requested by this Secretariat in their O.M. No. 20/1/1/SCTC/2007, dated 16th April, 2009. The Committee should also be provided with

the number of employees who took Voluntary Retirement Scheme in the year 2005-06 as also the number of SCs and STs out of them.

Reply of the Government

4.14 FCI has reported that as per Regulation 11 of FCI (Staff) Regulations, 1971, the reservation in appointment in the services of the Corporation are to be provided to Scheduled Castes and Scheduled Tribes as per the directions of the Govt. of India issued from time to time.

4.15 FCI has informed that accordingly, reservation is provided to the Scheduled Castes and Scheduled Tribes in promotions up to lowest rung in Category-I in the Corporation. In promotion by selection to the posts within Group-'A', there is no reservation. The post of Chief General Manager (CGM) and Executive Director(ED), are senior level Category-I posts and the reservation is not applicable to these posts. However, the SC/ST Officers who are in the Zone of Consideration on the basis of seniority are considered for promotion without reference to prescribed bench mark provided they are not assessed as unfit. Thus, the Corporation is following the Govt. instructions on reservation. It is pertinent that at present out of 7 Executive Directors from FCI cadre, 2 are SC.

4.16 The detail of recruitment carried out in the years 2007, 2008 and 2009 is as under:-

Consolidated position

Year	Cat. of posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	Number of vacancies reserved for SCs			No. of SC candidates appointed	Number of vacancies reserved for STs			No. of ST candidates appointed	Number of vacancies carried forward	
				C/F from previous year	Reserved during the year	Total		C/F from previous year	Reserved during the year	Total		SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13	14
2007	I	113	-	23	2	25	-	8	2	10	-	25	10
	II	164	171	200	17	217	90	115	8	123	49	127	74
	III	530	180	265	27	292	81	260	32	292	99	211	193
	IV	361	77	308	39	347	77	168	27	195	-	270	195
	Total	1168	428	796	85	881	248	551	69	620	148	633	472
2008	I	122	-	25	-	25	-	10	-	10	-	25	10
	II	189	72	127	19	146	29	74	7	81	16	117	65
	III	952	67	211	100	311	37	193	61	254	20	274	234
	IV	586	50	270	58	328	23	195	48	243	27	305	216
	Total	1849	189	633	177	810	89	472	116	588	63	721	525
2009	I	116	67	25	-	25	8	10	-	10	3	17	7
	II	55	3	117	3	120	1	65	1	66	-	119	66
	III	707	4	274	78	352	-	234	58	292	-	352	292
	IV	613	1	305	57	362	-	216	51	267	-	362	267
	Total	1491	75	721	138	859	9	525	110	635	3	850	632

4.17 During the year 2005-06, there was no voluntary retirement scheme in FCI, Voluntary Retirement Scheme was concluded in year-2004. Moreover, there is an ongoing provision for voluntary retirement under Regulation 22-A of FCI (Staff) Regulations, 1971 for the employees who have completed 20 years of qualifying service. The details of number of employees as well as the number of SCs and STs out of them who took Voluntary Retirement in the year 2005-06 under this Regulation, are as under:-

Total No. of Employees	No. of SCs out of them	No. of STs out of them
21	3	1

4.18 Some posts remained unfilled due to non-availability of suitable candidates despite the relaxation/concessions provided as per the Regulation 11 of FCI (Staff) Regulation, 1971/Reservation Policy of Govt. of India. However, at present a Special

Recruitment Drive is in process as per the direction of MoCAF&PD/DoPT to fill up the backlog vacancies of SC/ST/OBC in Direct Recruitment quota existing as on 01.11.2008.

4.19 FCI have been directed vide letter No.14-3/2007-FC.I dated 26th August, 2010 to give a time frame to fill up all posts reserved for SCs/STs in all categories.

Updated Action Taken reply

4.20 The status of representation of SC/ST employees as on 31.12.2010 is given below which shows that representation of SCs and STs is 24.63% and 8.90% respectively against provision of 15% and 7½% respectively :-

GROUP	Sanctioned Strength	Total No. of employees	No. of SC	% of SCs	No. of ST	% of STs
A/Cat.I	1012	678	133	19.62	66	9.73
B/Cat.II	6292	5425	1083	19.96	598	11.02
C/Cat.III	26831	17048	3839	22.52	1338	7.85
D/Cat.IV	2380	8096	2642	32.63	776	9.58
Grand Total	36515	31247	7697	24.63	2781	8.90

4.21 A Special Recruitment Drive for filling up the backlog reserved vacancies for SCs, STs and OBCs as on 1.11.2008 was launched by FCI in accordance with Government of India directions contained in DOPT letter No.36038/1/2008-ESTT(Res) dated 19.11.2008. The vacancies were to be filled by 30.6.2009. However, the period of the drive has been extended up to 30.6.2011 vide DOPT OM dated 30.12.2010. Accordingly, 193 backlog direct recruitment vacancies of SCs/STs/OBCs identified as on 1.11.2008 were advertised by FCI. The progress report in this regard is given below:-

	No. of backlog vacancies identified as on 01.11.2008	No. of backlog vacancies advertised	No. of backlog vacancies filled
Scheduled Castes	107	107	85
Scheduled Tribes	61	61	42
Other Backward Classes	25	25	19
Total	193	193	146

4.22 It may be seen from the foregoing account that 75% of the identified backlog reserved vacancies have been filled. It has been reported by the concerned appointing authorities in FCI that some of the backlog reserved vacancies in DR quota could not be filled up due to non-availability of suitable candidates and in some posts, despite the waiting list being operated, the selected candidates have not joined.

4.23 The recruiting authorities have been advised for taking all necessary steps to conclude the SRD process by 30.06.2011 as per the directions of the Government of India vide GM(PE)'s D.O. letter No. 32(9)/2009-LC(PH-SRD)/Vol.II dated 10.06.2011 and also indicate the appropriate detailed reasons in case any vacancies remaining unfilled.

4.24 During the evidence held on 27th June, 2011, the Committee pointed out that the recruitment agencies were advised to conclude the Special Recruitment Drive by 30th June 2011 and thus desired to know the SC/ST backlog position with respect to all the grades as on date, to which the representative of the Food Corporation of India replied:-

“As far as SRD of 2008-09 backlog identified vacancies are concerned, we are left with 24 unfilled vacancies out of the 168 identified vacancies.”

4.25 The CMD, Food Corporation of India also stated:-

“..... both promotion and direct recruitment are an ongoing process. Every year we have to advertise for direct recruitment posts and for promotions we have to hold Selection Committees.....”

4.26 He further stated:-

“We make all possible efforts to fill up the vacancies and we are getting candidates. Every year some vacancies get created due to retirement and somebody may resign or somebody may take VRS. Therefore, it is an ongoing process...”

4.27 In their post evidence reply, the Ministry informed the category-wise details of 168 SC/ST backlog direct recruitment vacancies identified as on 1.11.2008 under Special Recruitment Drive 2008 of which 127 posts were filled up and 41 remained unfilled as below:-

Category	SC		ST		Total	
	Identified	Filled	Identified	Filled	Identified	Filled
I	Nil	Nil	Nil	Nil	Nil	Nil
II	37	35	14	9	51	44
III	64	47	27	16	91	63
IV	6	3	20	17	26	20
Gr. Total	107	85	61	42	168	127

The further status of unfilled 41 SC/ST posts was as below:-

Category	No. of vacancies unfilled			Further Action taken	Balance	Remarks
	SC	ST	Total			
I	0	0	0		0	
II	2	5	7	2 posts of SC and 2 posts of ST have been included in the 2011 advertisement.	3	Posts could not be filled up due to non availability of suitable candidates
III	17	11	28	11 posts of Typist declared redundant (SC-8 & ST- 3) 1 ST post- waitlist being operated 1 SC appointed	15	2 posts of SC and 1 post of ST not filled due to non-joining of candidates 12 posts could not be filled up due to non availability of suitable candidates
IV	3	3	6		6	Posts could not be filled up due to non availability of suitable candidates
Total	22	19	41	17	24	

4.28 During evidence members of the Committee brought to fore the case of the cancellation of the candidature of a ST candidate, R.S. Lalrinsanga who qualified in the written examination for the post of AGM (Technical) of FCI. However, he was not permitted to appear in interview on the grounds of not possessing required experience for the post. The Committee instructed the Ministry to provide the factual details in this regard.

4.29 The Ministry submitted the factual position/details of cancellation of the candidature of Shri R.S. Lalrinsanga as under:-

- i) Mr. R.S. Lalrinsanga, ST, Roll No.931110008 was called for personal interview for the post of AGM (Technical) on the basis of his application, performance in

the written test and the copies of the documents furnished along with the application form.

- ii) The call letter for personal interview clearly specified that if the candidate does not produce the original certificate(s) as above in support of claim(s), he/she shall not be allowed to appear for personal interview under any circumstances.
- iii) Further, the advertisement published in the Employment News dated 08.01.2011 clearly mentioned the following conditions for the benefit of candidates :-
 - a. *“Candidate should satisfy themselves that they fulfil the required qualification, experience, age, etc., before applying for the post. The candidates are advised to satisfy themselves fully about the correctness of the information furnished, if found ineligible at any stage the candidature would be rejected.”*
 - b. *“Issue of admit card for the written test & calling for Personal Interview does not confer any right of acceptance of candidature and should not be construed as an acknowledgement of fulfilling the eligibility criterion.”*
 - c. *“Candidate must ensure to have fulfilled all the eligibility criteria, viz., age, experience & qualification as on 01.01.2011.”*
 - d. However, during verification of documents which precedes the interview process, the Scrutiny Committee observed that the candidate could not produce proof of possessing requisite work experience of 5 years in storage of food grains and maintenance of stocks or in the examination, inspection and analysis of food grains in Govt. or Public/Pvt. Sector Undertaking as mentioned in the recruitment advertisement.

4.30 The candidate had been working as Scientific Adviser in Kanaan Tea Estate. As per the Experience Certificate submitted by him *“the nature of work he executed was*

quality control of the stock product and pest control from the Tea Garden to the end product of the Tea Estate". The experience was not considered relevant/valid for work in FCI which primarily handles wheat and rice. Accordingly, the candidate was not cleared to participate in the next stage of selection process i.e. personal interview.

Comments of the Committee

4.31 Please see Para No. 1.34 of Chapter I.

DETAILS OF PROMOTION

Recommendation (Sl. No. 4, Para No. 2.22)

4.32 As on 1.1.2008, the category-wise backlog position in promotion was reported to be 122 SC and 44 ST in Category II, 417 SC and 742 ST in Category III and 142 SC and 137 ST in Category IV posts. The Committee should be provided with the post-wise backlog position as on 1.1.2008 and how the backlog vacancies have since then been filled up till date.

Reply of the Government

4.33 FCI has informed the post-wise backlog vacancies covered under the said SRD which are given below:-

Statement showing the cadre/post-wise backlog vacancies reserved for SC/ST in Promotion quota as on 01.11.2008

Category	Cadre/Post	No. of SC	No. of ST	Total
II	Manager(Genl)	52	10	62
	Manager(A/cs)	54	26	80
	Manager(QC)	68	52	120
	Manager(Movt)	2	1	3
	Manager(Depot)	76	9	85
	Manager(Civil)	1	0	1
	Manager(Electric)	1	0	1
	Manager(Mech.)	1	0	1
	Total	255	98	353
Category	Cadre/Post	No. of SC	No. of ST	Total
III	AG.I(Genl)	47	12	59
	AG.I(A/cs)	110	47	157
	AG.I(Tech.)	109	37	146

	AG.I(Depot)	210	10	220
	AG.I(Movt.)	1	0	1
	AG.II(A/cs)	20	5	25
	AG.II(Depot)	87	72	159
	AG.II(Genl)	99	47	146
	AG.II(Tech.)	13	3	16
	AG.III(Depot)	18	13	31
	Head Mechanic	2	0	2
	Driver Gr.I/II	5	1	6
	Subedar	0	3	3
	ECO	3	0	3
	Total	724	250	974
IV	Picker	1	0	1
	H/Watchman	27	1	28
	Sr. D.Operator	0	1	1
	Dusting Operator	18	4	22
	Total	46	6	52

4.34 A query was asked whether all the SC/ST backlog posts have been filled up by SRDs, the Ministry in their post evidence reply have inter-alia stated that as per GOI directions, Special Recruitment Drive (SRD) was launched by FCI in 2008-09 to fill up backlog vacancies as on 1.11.2008 both in Direct Recruitment and Promotion. Accordingly, FCI identified 1841 promotion backlog vacancies of SC and ST posts for promotion as 1.11.2008. The position as on 30.6.2011 indicates that 1101 of the vacancies have been filled up and 740 vacancies remain unfilled. The details are as given below:-

Category	SC			ST			Total		
	Identified	Filled	Unfilled	Identified	Filled	Unfilled	Identified	Filled	Unfilled
I	1	1	0	2	2	0	3	3	0
II	281	243	38	160	132	28	441	375	66
III	487	192	295	608	301	307	1095	493	602
IV	258	194	64	44	36	8	302	230	72
Total	1027	630	397	814	471	343	1841	1101	740

4.35 The reason for unfilled vacancies is the non-availability of eligible candidates even in the extended zone of consideration.

Comments of the Committee

4.36 Please see Para No. 1.48 of Chapter I.

CASES OF FALSE CASTE CERTIFICATES**Recommendation (Sl.No. 17, Para No. 4.7)**

4.37 The Committee observe that during the years 2004, 2005, 2006 and 2007, 10 cases of securing employment on the basis of false caste certificates had been reported in FCI and that the services of those officials had been terminated from FCI by concerned ED(Zones). However, 3 persons are reported to have got stay from various courts against the termination order. The Committee fail to understand as to how the three persons terminated from FCI managed to get stay from the courts against the termination order. The Committee would like to be apprised of the details of persons alongwith date of their termination as also the details of Hon'ble Court from where they obtained stay order. The Committee note that there are 372 cases of false caste certificate in West Zone and 52 cases in South Zone which are pending due to various reasons like pending in courts and for verification with State Government authorities. The Committee note that 23 and 77 cases are pending for verification with Caste Scrutiny Committee in South Zone and West Zone, respectively. The Committee recommend that the State Governments should be urged to complete the verification within a stipulated time. If the information sought in those cases is not received from the State Government authorities within the stipulated period, the Committee strongly feel that the Government should initiate prompt action to file criminal cases against the employees for obtaining employment on the basis of false caste certificate. It should, however, be ensured that genuine SC/ST employees are not harassed and their cases should be finalized at the earliest. The Committee are concerned that in 29 cases in Maharashtra region, the officials are not approaching Caste Scrutiny Committee. The

Committee should be apprised of the reasons thereof and recommend to ensure that the officials approach the Caste Scrutiny Committee at regular intervals. The Committee also note that in South Zone, 22 cases are pending in courts due to various reasons. The Committee recommend that all efforts should be made to get the stay vacated/cases expedited in courts on priority basis. The Committee further recommend that extra care should be taken while examining the caste certificate at the time of offering appointment letter itself by insisting on the production of original caste certificate issued by competent authority and by resorting to compulsory verification of all caste certificates at entry level.

Reply of the Government

4.38 FCI has reported that the details of 3 persons who got stay from various courts against the termination order cited in the recommendation of the Committee are as under:-

Sl. No.	Name of officer/ official and designation	Date of termination from service	Hon'ble Court from where they obtained stay order	Remark
1.	Shri S. Vijayakumar, Manager(A/cs), FCI, District Office, Trivandrum	14.08.2009	Kerala High Court (WP No.5170/2009)	The termination order dated 14.08.2009 was kept in abeyance vide ZO order dated 09.09.2009, since the official filed WP No. 5170/2009 before Kerala High Court and obtained stay orders on 24.02.2009 & 07.04.2009.
2.	Shri C. Ram Babu, AG.I(Genl.), FCI, District Office, Vizag	03.03.2000	Andhra Pradesh High Court (3967/2000)	The official was terminated from service vide order dated 03.03.2000. The official filed WP No. 3967/2000 and WPMP 5241/2000 before the High Court of AP. The Hon'ble High Court of AP ordered stay of operation of the termination order on 10.03.2000 and issued

				directions to FCI to continue the official as AG.II(G). The WP 3967/2000 was finally dismissed on 24.06.2009, finding that the cause in WP does not survive, as the official had retired from service of FCI on 30.06.2008. Further, in accordance with the directions of Hon'ble High Court of AP, the GM(AP) has passed final orders on 30.11.2009, rejecting the application of Shri C. Rambabu, for terminal benefits.
3.	Sh. V. Sree Ramamurthy, Manager(G), FCI, District Office, Kakinada	03.03.2000	Andhra Pradesh High Court (4115/2000 & 10662/2002)	The officer was terminated from service when he was working as AG.I(G) and this termination was withdrawn on 25.03.2000 in view of the stay order passed by Hon'ble High Court of AP in WP No.4115 of 2000 filed by Shri V. Sree Rama Murthy. On withdrawal of the termination order, the Hon'ble High Court closed the WP subsequently; the official filed WP 10662/2002 before AP High Court and during its pendency, retired from service of FCI on 31.01.2009. The WP 10662/2002 was disposed as 'DISMISSED' on 28.06.2009. In pursuance of the judgement in the WP 10662/2002, the ED(S) passed orders on 04.11.2009 rejecting the claim of the petitioner for release of terminal benefits including CPF benefits.

4.39 However, the recommendations of Committee have been conveyed to all appointing authorities in FCI for strict compliance.

4.40 During the evidence, when the Committee sought the status of false caste certificates. In reply, the representative of the Food Corporation of India stated:-

“As far as false certificate cases are concerned, as on date, there are 132 cases which are under verification or which are in court. This is the status with us as on date from different zones. Earlier there were very many cases but today we have 132.”

It was further stated:-

“Out of these 132, 72 cases are under stay of the courts. In another 39 cases, in fact, all cases at our level are under verification or under court stay. About 72 cases are under court orders; 39 are pending with the Caste Scrutiny Committee and 21 are pending with other agencies for verification. At our level, we have seen to it that either they are referred for verification but court cases we are following the process of law.”

4.41 The Committee further desired to be apprised of the action taken by the Food Corporation of India w.r.t false caste certificate cases to which the representative of the Food Corporation of India replied:-

“...FCI has decided to reject the claims for terminal benefit in the cases where the certificate of the employee has been declared invalid by the competent authority but the officer or the employee has continued in service till the age of superannuation on account of a stay order granted by court against the termination of the employee....”

He also stated:

“Sir, we have been regularly pursuing the cases. But it was dismissed after the retirement of the employee on the ground that the employee has retired. Secondly, the other measure that we have taken is, as employees continuing in service on the strength of stay orders issued by the courts or competent appellate authorities, we have issued orders not to allow the benefit of pay revision, arrears of wages, 90 per cent CPF withdrawal in the last year of service, in case the certificates are under investigation.

Thirdly, we have requested the State authorities to expedite the caste scrutiny certificates. Some regions like Tamil Nadu have constituted committees of officers to pursue cases with the Caste Scrutiny Committee to get it expedited. These are some of the measures that we try to take in order to take action on these cases.”

4.42 The Committee in a written questionnaire enquired from the Ministry regarding the progress that has been made w.r.t 372 and 52 false caste certificate cases pending in courts and for verification with State Governments in West Zone and South Zone. The

Committee also demanded the details of each pending case alongwith reasons for pendency. The Committee further desired to know whether the verification in respect of 23 and 77 cases pending in South Zone and West Zone respectively, with Caste Scrutiny Committee has been completed and the details of action taken in each case. The Committee also desired to know the reasons as to why in 29 cases in Maharashtra region, the officials are not approaching the Caste Scrutiny Committee alongwith details and action taken in each case. The Committee sought from the Ministry the status in regard to 22 cases pending in courts in South Zone with the details of each case, the reasons for their pendency and action taken regarding their disposal. The Committee also desired to know the details of pending cases along with the date since when these cases were pending.

4.43 In their post evidence reply, the Ministry provided the Status of 372 and 52 cases of West and South Zone:

i. West Zone:

4.44 It has been clarified by West Zone that all 372 ST employees recruited / appointed during the period 1995 to 2000 are not involved in false caste certificate cases. Out of the presently pending 132 false caste certificate cases of FCI, 98 cases pertain to West Zone and their detail is given below:-

Details	No.	Status
Cases pending in courts	60	Three WP's have been filed by the 60 employees before Mumbai High Court, Nagpur Bench: i. W.P. No. 5198/2009 filed by 25 employees ii. W.P. No. 2126/2010 filed by 33 employees iii. W.P. No. 1617/2011 filed by 2 employees. Employees have prayed for prohibiting

		FCI from referring the caste claims of the petitioners to the Caste Scrutiny Committee and not to terminate their services. The High Court has directed to maintain status quo vide orders dated 1.12.2009, 3.5.2010 and 1.4.2011 respectively. FCI has been making all efforts for getting the stay vacated. W.P. No. 5198/2009 and WP No. 2126/2010 are posted for hearing on 18.7.2011, while the WP No. 1617/2011 is fixed for hearing on 19.7.2011.
Cases pending for verification	38	38 cases are pending with caste Scrutiny Committee/District Collectors of Maharashtra, Chhatisgarh, Gujarat. Concerned GMs (Region) have been pursuing the matter with the competent authorities. The very authority of CSC is sub judice in Maharashtra Region on the ground that the relevant statute of Maharashtra is not applicable to FCI employees.
Total cases	98	

ii South Zone:

Details	No.	Status
Cases dismissed from service	17	No further action required
Cases proved genuine	2	
Cases descheduled as treated as general	1	
Cases descheduled and treated as SC	1	
Cases pending for verification	20	i.TN: 17 cases: Major reason for delay in verification has been the repeated modifications of policy on verification of Caste Certificates. The guidelines issued on 1.4.1997 were modified twice in 2005 and were finally superseded by guidelines issued on 12.9.2007. The Committees at various levels were reconstituted and powers altered. TN FCI has even constituted a Committee of officers to meet the caste scrutiny committee to expedite the

		<p>process on 11-05-2010.</p> <p>ii.Kerala: 2 cases are pending before the KIRTADS.</p> <p>iii.AP: 1 case is pending with the Appellate Authority of the State Government.</p>
Cases pending in courts	11	<p>Cases are still pending before various High Courts. The petitioners have invariably not impleaded FCI in such Court cases. However, FCI has got itself impleaded in such cases. Appropriate action has been taken to file vacate stay petitions and early hearing petitions in the concerned Courts. In addition to the above, Zonal Office (South) has also issued following instructions:</p> <p>i. Terminal benefit not be paid in where the certificate of the employees has been declared invalid by competent authority but continued in service till the age of superannuation due to stay orders granted by courts against termination of the employee.</p> <p>ii. Benefit of pay-revision, arrears of wages, 90% CPF withdrawal payable to a genuine employee during the last year of his service, leave encashment etc. will not be allowed to employees continuing in service on the strength of stay orders.</p> <p>iii. State Govt. repeatedly requested to expedite reports in matters before CSC/other authorities as they are the main parties in court cases.</p> <p>iv. Committees of officers have been constituted in the regions e.g. Tamil Nadu to meet the CSC to expedite the process.</p>
Total No. of cases	52	

4.45 The Ministry submitted that at present only 38 and 20 cases are pending for verification in West and South Zones respectively.

4.46 The Ministry also informed that the 29 employees who are not approaching Caste Scrutiny Committee are among those who have filed W.P. No. 5198/2009 and WP No. 2126/2010 before Mumbai High Court at Nagpur Bench. The Court has passed interim order to maintain status quo.

4.47 The Ministry further stated that out of 22, 11 cases have been disposed of and the concerned employees have been dismissed/terminated. 11 cases are still pending before various High Courts as per details given above.

iii North Zone

4.48 The information pertaining to North Zone is given below:

Cases	Status
Smt. Laxmi Tomar, AG.II(D), UP, DOB 16.2.52	Stay order by High Court Allahabad, Lucknow Bench
Devendar Kumar, AG.II(D), UP, DOB 6.7.57	Enquiry under process
Ms MeeraVerma, AG.III(Tech), PB, DOB 7.1.68	Disciplinary action under process

4.49 The Ministry also furnished the details of cases of false caste certificate pending in all the zones of FCI.

No.	Zone	Under verification		Court case(stay)	Total
		CSC	others		
1	West	19	19	60	98
2	South	20	-	11	31
3	North	-	2	1	3
4	East	--	---	--	NIL
5	North East	---	----	---	NIL
	Total	39	21	72	132

Comments of the Committee

4.50 Please see Para No. 1.94 of Chapter I.

CHEPTER – V

Recommendations/Observations in respect of which final replies of the Government have not been received

N I L

New Delhi
15 March, 2012
25 Phalguna, 1933(Saka)

(GOBINDA CHANDRA NASKAR)
CHAIRMAN
COMMITTEE ON THE WELFARE
OF SCHEDULED CASTES AND
SCHEDULED TRIBES

APPENDIX I

(Vide para no. 8.60)

नाम Gram	फूडकोर्प FOODCORP		भू
पेता नं : 06199923893269 00699923893903	भारतीय खाद्य निगम भारतीय खाद्य निगम FOOD CORPORATION OF INDIA		13 Head Quarters New
फैक्स नं. : 00911123413241 00911123413103	आर. 20, बाराकम्बा लाने, न्यूदिली-110001. फोन: 2341371-2341372-23		

NO EP-37(1)/99-VOL II

Dated 08.09.2010

(Circular No - 21 - 2010 - 25)

Sub:- Reservation in allotment of FCI residential accommodation to SC/ST employees of the Corporation

The matter regarding allotment of residential accommodation to the SC/ST employees of the Corporation has been reviewed and it has been decided with the approval of competent authority to follow the Govt. of India instruction on the subject. Accordingly, following instructions are to be followed while allotting the FCI residential accommodation to the SC/ST employees of the Corporation.


1. FCI accommodation to the tune of 10 % in Type A & B & 5% in Type C & D may be allotted to SC/ST employees.
2. The Officers should be entitled for allotment in their entitled type and in their turn from the separate Waiting List to be maintained for the purpose.
3. Vacancies available in the quota reserved for the purpose would be allotted in the ratio of 2:1 to the SC/ST employees respectively. In case however, there is no SC employee available, the quota reserved would be allotted to ST employees.
4. Scheduled Caste / Scheduled Tribe Officers, who are already in occupation of FCI residential accommodation, shall also be eligible to be considered for allotment for higher type accommodation from the reserved quota.
5. A register for allotment of all clear vacancies may be maintained in the concerned section of all the FCI Offices where FCI has got its own residential accommodation. In respect of Types 'A' and 'B' accommodation, the 60-point roster vacancies at Points 10, 20, 40 and 50 should be allotted to Scheduled Caste employees and vacancies at Points 30 and 60 allotted to Scheduled Tribe employees.

Grant: 'FOODCORP' फॉन्डेशन: एनएफसीआर एनसी २२५१५१२३४१२३४१ ००६९९९२३४१२३४१ Fax No.: HFCl NO ००९११२३४१३१०३ ००९११२३४१३१०३	 <p>FOOD CORPORATION OF INDIA</p> <p>Head Office New</p> <p>20-28, BARAHAMBA LANE, NEW DELHI-110001, PHONE: 234133/1-214518/2-234</p>
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the vacancies Points 20 and 40 are to be allotted to Scheduled Caste employees and vacancy at Point No. 60 is to be allotted to Scheduled Tribe employees.

6. In addition to the reservation according to the roster, Scheduled Caste Scheduled Tribe employees are also to be considered for allotment in their turn along with general employees.
7. Copies of Govt. of India MUD, Dir. of Estate O.M. NO. 12035 (10) 84- Pol I dated 25.11.1985 and Govt. of India, Dir. of Estate, O.M. 12035(10) 84-Pol I dated 07.04.1986 are enclosed here with.
8. This issues with the approval of competent authority.

Incl. As above


 (SANJEEV GAUR)
 DEPUTY GENERAL MANAGER (EP)

DISTRIBUTION:-

As per Mailing Address.

MINUTES**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2011-2012)****(FIFTEENTH LOK SABHA)****FOURTH SITTING****(07.06.2011)**

The Committee sat from 1400 to 1445 hrs. in Room No. 'D', Parliament House Annexe,
New Delhi

PRESENT

Shri Gobinda Chandra Naskar - Chairman

MEMBERS**LOK SABHA**

2. Shri Bhudeo Choudhary
3. Smt. Santosh Chowdhary
4. Smt. Jyoti Dhurve
5. Shri Prem Chand Guddu
6. Smt. Paramjit Kaur Gulshan
7. Dr. M. Jagannath
8. Shri Mohinder Singh Kaypee
9. Shri Pradeep Majhi
10. Shri Bharat Ram Meghwal
11. Shri Ashok Kumar Rawat
12. Shri Bajju Ban Riyan
13. Dr. Kirit Premjibhai Solanki
14. Shri Lalit Mohan Suklabaidya

RAJYA SABHA

15. Shri Jabir Hussain
16. Shri Rishang Keishing
17. Shri Lalhming Liana
18. Shri D. Raja
19. Shri K.B. Shanappa
20. Shri Veer Singh
21. Miss Anusuiya Uikey

SECRETARIAT

1. Dr. R.K. Chadha, Joint Secretary
2. Ms. J.C. Namchyo, Director
3. Shri Hoti Lal, Additional Director

At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee considered the draft report on Action Taken by the Government on the recommendations/observations contained in the Third Report (15th Lok Sabha) of the Committee on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)". The Committee observed that most of the Government replies in respect of recommendations/observations contained in the report were either non-affirmative or were left unreplied. Taking serious note of the matter, the Committee decided to take oral evidence of the representatives of the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution) on the replies to the recommendations contained in the Third Report (15th Lok Sabha) in next sitting on 27th June, 2011.

2. The Committee also decided to include the following additional subject for examination during the year 2011-2012:-

"Review of reservation policy for Scheduled Castes and Scheduled Tribes students being implemented by Universities and other higher educational/ technical/ medical institutions".

The Committee then adjourned with a vote of thanks to the Chair.

MINUTES**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2011-2012)****(FIFTEENTH LOK SABHA)****FIFTH SITTING****(27.06.2011)**

The Committee sat from 1430 to 1600 hrs. in Room No. 'D', Parliament House Annexe,
New Delhi

PRESENT

Shri Gobinda Chandra Naskar - Chairman

MEMBERS**LOK SABHA**

2. Shri Bhudeo Choudhary
3. Smt. Santosh Chowdhary
4. Shri Prem Chand Guddu
5. Dr. M. Jagannath
6. Shri Mohan Jena
7. Shri Virendra Kumar
8. Shri Ashok Kumar Rawat
9. Shri Bajju Ban Riyan
10. Smt. Sushila Saroj
11. Dr. Kirit Premjibhai Solanki
12. Shri Lalit Mohan Suklabaidya
13. Shri Bhausahab Rajaram Wakchaure

RAJYA SABHA

14. Shri Silvius Condpan
15. Shri Jabir Hussain
16. Shri Rishang Keishing
17. Shri Lalhming Liana
18. Dr. Bhalchandra Mungekar
19. Shri D. Raja
20. Shri K.B. Shanappa
21. Shri Veer Singh

SECRETARIAT

1. Dr. R.K. Chadha, Joint Secretary
2. Ms. J.C. Namchyo, Director
3. Shri Hoti Lal, Additional Director

WITNESSES**DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION**

1. Dr. B.C. Gupta, Secretary
2. Shri T.S. Randhava, Additional Secretary
3. Shri Naveen Prakash, Joint Secretary
4. Shri T. Jacob, Joint Secretary
5. Shri Amit Mehta, Director
6. Shri Sat Pal, Director

FOOD CORPORATION OF INDIA

1. Shri Siraj Hussain, CMD
2. Smt. Upma Chowdhary, Executive Director (Personnel)
3. Shri Pradeep Kumar Pujari, Executive Director
4. Shri Subhas Zaddo, Executive Director
5. Smt. Seema Kakkar, Executive Director

2. At the outset, the Chairman welcomed the representatives of the Ministry of Consumer Affairs (Department of Food and Public Distribution) and Food Corporation of India.

3. The Committee then took oral evidence of the representatives of the Ministry of Consumer Affairs (Department of Food and Public Distribution) and Food Corporation of India on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)".

4. The evidence was completed.
(The witnesses then withdrew)

5. A verbatim record of the proceedings was kept.

The Committee then adjourned with a vote of thanks to the Chair.

MINUTES**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES
(2011-2012)****(FIFTEENTH LOK SABHA)****FOURTEENTH SITTING****(01.03.2012)**

The Committee sat from 1430 to 1530 hrs. in Main Committee Room, Parliament House
Annexe, New Delhi.

PRESENT**Shri Gobinda Chandra Naskar – Chairman****MEMBERS****Lok Sabha**

2. Smt. Santosh Chowdhary
3. Smt. Jyoti Dhurve
4. Shri Prem Chand Guddu
5. Dr. M. Jagannath
6. Shri Mohan Jena
7. Shri Mohinder Singh Kaypee
8. Shri Virendra Kumar
9. Shri Bharat Ram Meghwal
10. Shri Bajju Ban Riyan
11. Smt. Sushila Saroj
12. Dr. Kirit Premjibhai Solanki
13. Shri Bhausahab Rajaram Wakchaure

Rajya Sabha

14. Shri Jabir Husain
15. Shri Rishang Keishing
16. Shri Lalhming Liana
17. Dr. Bhalchandra Mungekar
18. Shri D. Raja
19. Shri K.B. Shanappa
20. Shri Ishwar Singh

SECRETARIAT

1. Dr. R.K. Chadha – Joint Secretary
2. Shri S.Chatterjee – Additional Director

At the outset, the Chairman welcomed the Members of the Committee. The Committee then considered the draft report on Action taken by the Government on the recommendations contained in the Third Report (Fifteenth Lok Sabha) on the Ministry of Consumer Affairs, Food & Public Distribution (Deptt. of Food & Public Distribution) regarding Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India and adopted the same without modification. The Committee authorised the Chairman to present the same to both the Houses of Parliament.

2. The Committee also decided to meet the Hon'ble Prime Minister in the ensuing budget session to discuss certain burning issues related to the welfare of Scheduled Castes and Scheduled Tribes.

The Committee then adjourned with a vote of thanks to the Chair.

APPENDIX - VI
(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Third Report (Fifteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of recommendations	20
2.	Recommendations/observations which have been accepted by the Government (<u>vide</u> recommendations at Sl. No. 3, 6, 7, 8, 14, 16, 18 and 19).	
	Number	8
	Percentage to the total	40%
3.	Recommendations/observation which the Committee do not desire to pursue in view of the Government replies (<u>vide</u> recommendations at Sl. Nos. 5, 9, 10, 11, 12, 13, 15 and 20)	
	Number	8
	Percentage to the total	40%
4.	Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (<u>vide</u> recommendations at Sl. Nos. 1, 2, 4 and 17)	
	Number	4
	Percentage to the total	20%
5.	Recommendations/observations in respect of which final replies of the Government have not been received	NIL