

**TWELFTH REPORT
COMMITTEE ON PETITIONS**

(SIXTEENTH LOK SABHA)

MINISTRY OF RAILWAYS

(Presented to Lok Sabha on)



**LOK SABHA SECRETARIAT
NEW DELHI**

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ANNEXURE

- i) Minutes of the 23rd sitting of the Committee held on 26.04.2016.

**COMPOSITION OF THE COMMITTEE ON PETITIONS
(2015-2016)**

Shri Bhagat Singh Koshyari - *Chairperson*

MEMBERS

2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Shri Rajen Gohain
7. Dr. K. Gopal
8. Shri Chhedi Paswan
9. Shri Kamlesh Paswan
10. Smt. Krishna Raj
11. Shri Arjun Charan Sethi
12. Shri Kodikunnil Suresh
13. Shri Dinesh Trivedi
14. Shri Rajan Vichare
15. Shri Dharmendra Yadav

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------|
| 1. Shri K. Vijaykrishnan | - | Additional Secretary |
| 2. Shri Shiv Kumar | - | Joint Secretary |
| 3. Shri A.K. Srivastava | - | Director |
| 4. Shri Raju Srivastava | - | Additional Director |
| 5. Shri Harish Sethi | - | Sr. Executive Assistant |

(iii)

TWELFTH REPORT OF THE COMMITTEE ON PETITIONS**(SIXTEENTH LOK SABHA)****INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Twelfth Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the Action Taken on the recommendations made by the Committee on Petitions (16th Lok Sabha), in their First Report, on the representation received from Shri Rinku Aggarwal, General Secretary, All Indian Railway Vendors Association, regarding arbitrary closure of stalls/trolleys of 9 commission vendors at New Delhi Railway Station.

2. The Committee considered and adopted the draft Twelfth Action Taken Report at their sitting held on 26 April, 2016.

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

NEW DELHI;**BHAGAT SINGH KOSHYARI
Chairperson,
Committee on Petitions****26 April, 2016****6 Vaisakha, 1938 (Saka)**

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) IN THEIR FIRST REPORT ON THE REPRESENTATION CONTAINING ISSUES REGARDING ARBITRARY CLOSURE OF STALLS / TROLLEYS OF NINE COMMISSION VENDORS AT NEW DELHI RAILWAY STATION

The Committee on Petitions (Sixteenth Lok Sabha) presented their First Report to Lok Sabha on 10 March, 2015 on the representation received from Shri Rinku Agarwal, General Secretary, All Indian Railway Vendors Association containing issues regarding arbitrary closure of stalls/ trolleys of nine Commission Vendors at the New Delhi Railway Station.

2. The Committee had made certain observations/ recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement the recommendations and furnish their action taken notes thereon for consideration of the Committee.

3. Action Taken Notes have been received from the Ministry of Railways (Railway Board) in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Railways (Railway Board) are detailed in the succeeding paragraphs.

4. In paras 14 and 15 of the Report, the Committee had observed/ recommended as follows:-

"14. Shri Rinku Aggarwal, the Petitioner, in his representation, has stated that he along with the other Members of the All India Railway Vendors' Association had been working as Commission Vendors at New Delhi Railway Station and selling items of catering supplied by the Railways to the passengers on fixed commission basis. Subsequently, their stalls were closed down temporarily by the Railways on the pretext of not obeying the instructions passed on by the Authorities of Northern Railways. The Petitioner has claimed that he along with other vendors of the above mentioned organisation have not disobeyed any of the instructions passed out by the Indian Railways, instead, the Railway Authorities have not been taking cognizance of their rightful grievances despite sending numerous representations to them."

"15. The Petitioner further submitted that he along with the Members of the Association met the Chief Station Manager, to represent their case before him. The

concerned Authorities assured the Members of the Association that their stalls have been closed temporarily, in view of their reluctance to fulfill the procedure for absorption in Indian Railways and further informed them that the stalls would be opened up as and when the duly completed forms from the vendors are received in the office. The petitioner has further maintained that despite the fact that the forms as required by the Railway Authorities have been submitted by them, the Railway Authorities have been partial in their action to close down their stalls because they brought out certain irregularities in the operation of stalls on the New Delhi Railway Station to the higher Railway Authorities."

5. In their action taken reply, the Ministry of Railways (Railway Board) have stated as follows:-

"Facts given by Shri Rinku Aggarwal in para 14 is accepted, except to the extent that nine Commission Vendors had disregarded the instructions of Railway Administration by not appearing before the screening committee for verification of documents and forwarding the same to the Personnel Branch for the post of Waiters in Railways. All the grievances of the petitioners have been adequately addressed and replied back directly or through the organisation which they had represented."

"The facts mentioned in the para are accepted to the extent that the stalls were temporarily closed down in view of the reluctance of vendors to fulfill the formalities of absorption in Railways. However, when the next opportunity was given, these nine vendors had submitted their papers for screening, which was then duly forwarded to Personnel Branch. These vendors again did not turn up before the Personnel Branch to collect their medical memos for necessary examination before the Railway Doctor. There is no truth in the allegation that their stalls were closed down because they had pointed out irregularities in the operation of stalls on New Delhi Station."

6. In paras 16 and 17 of the Report, the Committee had observed/ recommended as follows:-

"16. The Committee note from the information furnished by the Ministry of Railways that as per extant policy, Commission Vendors are to be progressively absorbed in the Zonal Railways and are not be allotted any stall or trolley. At present, there are 90 Commission Vendors (34 at New Delhi Station and 56 at Old Delhi Station) in the Delhi Division of Northern Railway. 43 Commission Vendors of Delhi Division had approached

Hon'ble High Court of Delhi by filing seven writ petitions. The Hon'ble High Court of Delhi delivered a single judgement for all seven writ petitions on the 5 November, 2012 and directed Railways to consider the case of eligible petitioners, i.e. who had not crossed the age of 59 years, and who seek absorption within two weeks and the respondents were directed to consider the case with expedition i.e. within twelve weeks or so."

"17. The Committee have further been apprised by the Ministry of Railways that in response to a letter dated the 8 April, 2013 issued to the petitioners in pursuance of the Orders of the Court, out of 43 Petitioners, 34 turned up before the Screening Committee constituted for verification of personal details. Personnel Branch of the Division, in turn, directed these Commission Vendors to submit their applications for absorption. However, none of these 34 vendors turned up in Personnel Branch for taking absorption. As per the Ministry of Railways, remaining nine Commission Vendors (which also includes Shri Rinku Aggarwal, the Petitioner) were issued a show cause notice and were directed to submit the required documents and appear personally before the Screening Committee on the 30 January, 2014, but they did not respond and opted not to submit the required affidavit."

7. In their action taken reply, the Ministry of Railways (Railway Board) have stated as under:-

"The updated position of the petitioners/non-petitioners at New Delhi/Delhi stations is as under :-

S.No	Station	Petitioners	Non-Petitioners	Total	Dead/Expired	Left over
1.	NDLS	32	2	34	1 Expired + 2 Retired	31
2.	DLI	11	46 (One on sharing)	57	1 Expired + 1 Retired	55
	Total:	43	48	91	5	86

S.No	Station	Total CVs	Absorbed as waiters in Railway Service	Left Over/ Under absorption
1.	NDLS	31	4	27
2.	DLI	55	9	46
	Total:	86	13	73

Till date, 13 Commission Vendors have been absorbed in the post of Waiters in GP Rs.1800/- on Delhi Division. Another 15 Commission Vendors of Delhi Main Station have approached the Personnel Branch for medical examination."

8. In paras 18 and 19 of the Report, the Committee had recommended as follows:-

"18. As per information furnished by the Ministry, these nine Commission Vendors were again given an opportunity to submit their papers for screening on 26 August, 2014, to which they have now submitted the required documents. The documents have further been screened and submitted to Personnel Branch for further action. The Committee have also been apprised that 63 vacancies have been kept in Delhi to adjust these Commission Vendors. The Committee hope and trust that all these Commission Vendors including nine Vendors would be absorbed in Railways as waiter in Group 'C' post expeditiously."

"19. The Committee observe that as per the extant policy of Railways, Commission Vendors are to be progressively absorbed in the Zonal Railways and are not to be allotted any stalls/trolleys. From the information furnished by the Ministry, the Committee note that nine units of Commission Vendors were initially temporarily closed down in March, 2014 followed by closing of stalls of other 32 Commission Vendors. The Committee deplore the way the stalls of these Commission Vendors were closed down without being absorbed in Railways as per their policy thereby snatching the only livelihood of these Vendors. On the issue of temporary closure, the Committee have been apprised by the representative of Railway Board during the course of deliberations that these vendors have been told to come, complete the formalities and then work on their stalls till they get the letter of appointment. Now when Commission Vendors have submitted the required documents to the concerned authorities, the Committee strongly recommend the Ministry to immediately issue instructions to the concerned authorities to lift the temporary closure order and let the stalls be operational till such Vendors are finally absorbed in the services of Railways."

9. In their action taken reply, the Ministry of Railways (Railway Board) have stated as under:-

"The updated position of the Commission Vendors, who have yet to appear in the medical test, is already given in para 17 above. It is clarified that out of these 9 vendors,

one vendor have already been absorbed in the Railway Services and the balance 8 are yet to appear before the Personnel Branch to collect their medical memos. Adequate number of vacancies of Waiters in GP Rs.1800/- has been kept aside for these vendors in case they pass the requisite medical test and fulfill the condition of Railways."

"As mentioned therein, all Commission Vendors who have approached the Personnel Branch are been expeditiously issued medical memos for appearing before the Railway Doctor."

10. In para 20 of the Report, the Committee had recommended as follows:-

"It has come out during the course of deliberations that the main grudge of the Commission Vendors is that they want absorption in Group `C' at the Grade Pay of Rs.1900 whereas the post being offered to them is of waiter which is Group `C' in the Grade Pay of Rs.1800. The Ministry's contention is that after their appointment as Waiter they would go into promotion channel into cadres like waiter, cook, supervisor or some other category whichever is available. The Committee find that the Hon'ble High Court has issued direction to Railways to absorb eligible Commission Vendors who have not crossed the age of 59 years in Group-C post against vacant posts of Waiter or like. The Committee feel that these Commission Vendors across the country have been performing jobs, very similar to that of a Waiter for years, without having the security or benefits of a Government job. The Committee, however, are of the view that considering the age at which many of the Commission Vendors would be absorbed in Railways, the total service rendered by them would not make them entitle for full benefits of the Government Service. The Committee, therefore, recommend the Ministry to treat the case of these Commission Vendors at a different footing and to offer them one-time benefit by absorbing them as Waiter in a grade pay of Rs. 1900."

11. In their action taken reply, the Ministry of Railways (Railway Board) have stated as under:-

"It is pointed out that 13 of these Commission Vendors have already been absorbed as Waiter in the Grade Pay of Rs.1800/- which is a Group `C' post as per communication received from Northern Railway. The action taken by Northern Railway is in compliance of directions issued by the Hon'ble Delhi High Court of absorbing them in a suitable Group `C' post. However, it is pertinent to mention here that more than 3900 Commission

Vendors have already been absorbed across all zonal Railways and if such a step of absorbing these Commission Vendors as Waiter in grade pay of Rs.1900/- is taken, the same will be discriminatory as similar demands are expected from all the Commission Vendors so absorbed resulting in huge financial repercussions for the Railways. Further, during the oral evidence, the Committee have been apprised by the Ministry of Railways that these Commission Vendors can also avail of the promotional prospects after joining Railway Service initially in the Grade pay of Rs.1800/-."

Observations / Recommendations

12. The Committee appreciate that pursuant to the recommendations made by the Committee on Petitions, in their First Report (Sixteenth Lok Sabha), on the subject, the Ministry of Railways (Railway Board) have been making sincere efforts for the absorption of Commission Vendors to the post of Waiter in their Organisation. As a matter of fact, adequate number of vacancies of Waiters have also been kept reserved by the Ministry for permanent absorption of these Vendors. However, the Committee are dismayed to find that out of 86 CVs received from various Commission Vendors - including the representationists - for their absorption to the post of Waiter, till date, only 13 individuals, which comes to a meager 13 per cent, have been appointed. The Committee are of the view that periodic issuing of show cause notice to the Commission Vendors to appear before the Screening Committee for completion of various formalities for considering them for appointment as Waiters in the Indian Railways is not going to achieve the desired objective if the entire process is not implemented and monitored in a professional and time-bound manner. While noting with utter dismay the fact that since the beginning of the scheme of absorption of Commission Vendors, 5 individuals have already expired/ retired, the Committee would like to strongly reiterate that the Ministry should take all the necessary measures well in time to ensure that pre-appointment formalities in respect of all the Commission Vendors are completed expeditiously and they are appointed to the post of Waiter in the Indian Railways - within a period of three months from the date of presentation of this Action Taken Report to the Lok Sabha. The Committee would await result-oriented action taken reply from the Ministry in this regard.

13. The Committee had recommended that the stalls/ trolleys of Commission Vendors which were temporarily closed down in the year 2014 be again made operational till all such Vendors are finally absorbed in the services of Indian Railways. The Committee are dismayed to note that the Ministry of Railways (Railway Board) have not initiated any

concrete measure to allow the Commission Vendors to again operate their stalls at the railway platforms in spite of the fact that during the oral evidence, the representative of the Railway Board had categorically stated that these Vendors have been told to come, complete the formalities and then work on their stalls till they get the letter of appointment. The Committee are unhappy with the slow pace of implementation of their recommendation. The Committee, therefore, would like to reiterate that the Ministry should take all necessary steps to ensure that all the Commission Vendors whose stalls/trolleys were closed down by the Railway Authorities are again allowed to work on their stalls/trolleys till they are finally absorbed in the Indian Railways. The Committee would also like to emphasize that while allowing all such Commission Vendors to again commence their operations, no pre-conditions like completion of formalities, collecting of medical memos, furnishing of documents, etc. by the Commission Vendors be imposed by the Railway Authorities. The Committee would like to be apprised of the action taken on this count as well.

14. Scrutiny of Ministry's reply shows that 3900 Commission Vendors have already been absorbed as Waiter in the Grade Pay of Rs. 1800/- across all Zonal Railways. The Ministry of Railways (Railway Board), in their action taken reply, have also informed that if the 13 Commission Vendors, who have been absorbed to the post of Waiter, are placed in the Grade Pay of Rs. 1900/-, the same will be discriminatory as similar demands will emanate from all the Commission Vendors, so absorbed, which will result in huge financial repercussions for the Railways. Although the Ministry seem to be committed for absorption of all the Commission Vendors, including the representationists to the post of Waiter in various Zonal Railways, yet they have been unable to come out with an effective methodology for their placement in the Grade Pay of Rs. 1900/- instead of Rs. 1800/-, primarily on the grounds of financial burden on the exchequer. The Committee would like to highlight that according to the Bibek Debroy Committee on 'Mobilization of Resources for Major Railway Projects and Restructuring of Railway Ministry and Railway Board', the total work force in Indian Railway is around 13 lakh. In case, a policy decision is taken by the Ministry of Railways (Railway Board) to place all the 3900 Commission Vendors, who had been absorbed as Waiters, in the Grade Pay of Rs. 1900/-, in that eventuality, only 0.3 per cent of total work force would stand to benefit. The Committee are, therefore, of the opinion that an exact estimate of financial implications be worked out by the Ministry of Railways (Railway Board) taking into account the age of retirement of all these Commission Vendors. The Committee, therefore, hope that the Ministry of Railways (Railway Board) would consider placing the Commission Vendors, who have been

absorbed as Waiters, in the Grade Pay of Rs. 1900/- at the earliest. The Committee would like to be kept abreast of the steps taken by the Ministry and progress made in the matter.
