

**THIRTY - THIRD REPORT**

**COMMITTEE ON PETITIONS**

**(SIXTEENTH LOK SABHA)**

**MINISTRY OF PETROLEUM & NATURAL GAS**

**(Presented to Lok Sabha on 16 March, 2017)**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**March, 2017/Phalguna, 1938 (*Saka*)**

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**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2016-2017)**

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 Chandra Prakash Joshi
7. Dr. K. Gopal
8. Shri Kodikunnil Suresh
9. Shri Chhedi Paswan
10. Shri Kamlesh Paswan
11. Shri Arjun Charan Sethi
12. Shri Dinesh Trivedi
13. Shri Rajan Vichare
14. Shri Dharmendra Yadav
15. Vacant

**SECRETARIAT**

- |                            |   |                            |
|----------------------------|---|----------------------------|
| 1. Shri Shiv Kumar         | - | Joint Secretary            |
| 2. Shri Raju Srivastava    | - | Additional Director        |
| 3. Shri Harish Kumar Sethi | - | Senior Executive Assistant |

(iii)

# **THIRTY - THIRD REPORT OF THE COMMITTEE ON PETITIONS**

**(SIXTEENTH LOK SABHA)**

## **INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Thirty Third Report (Sixteenth Lok Sabha) of the Committee to the House on the Mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the Bharat Petroleum Corporation Limited (BPCL) with reference to the representation received from Shri V. P. Balwatkar.

2. The Committee considered and adopted the draft Thirty Third Report at their sitting held on 14 March, 2017.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI;**

**14 March, 2017**

**23 Phalguna, 1938 (Saka)**

**BHAGAT SINGH KOSHYARI**  
*Chairperson,*  
*Committee on Petitions*

(v)

## REPORT

### **MECHANISM FOR PROVIDING RESERVATION TO SCHEDULED CASTES AND SCHEDULED TRIBES IN THE BHARAT PETROLEUM CORPORATION LIMITED (BPCL) WITH REFERENCE TO THE REPRESENTATION RECEIVED FROM SHRI V. P. BALWATKAR.**

Shri V. P. Balwatkar, a retired employee of Bharat Petroleum Corporation Limited (BPCL) submitted a Representation before the Committee regarding mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the BPCL (Annexure-I).

2. The representationist, in his Representation, *inter-alia* stated that he joined the BPCL on 24.1.1984, as Deputy Manager against an ST vacancy and was posted at Wadilube Installation, Wadibunder, Mumbai. His probation period was extended for six months and his Annual Performance Report for two years was graded as 'average/below average', which affected his career in the BPCL. The representationist also stated that during his service period, spanning over 14 years (*from 24.1.1984 to 30.4.1998*), in the year 1990, he got his first progression after 6 years as a Manager and thereafter, there was no progression till he attained the age of superannuation on 30.4.1998.

3. The representationist further emphasised that during his service in the BPCL, he was victimized, being an ST candidate. On 10.3.1997, he wrote a letter to the National Commission for Scheduled Tribes, informing them about the discriminatory treatment meted out to him by the BPCL. The National Commission for Scheduled Tribes, after taking into account the reply from the BPCL, closed his case *inter alia* stating that - no merit was considered in the case by the Commission to use its constitutional powers. The representationist, therefore, requested to protect his right as an ST candidate in relation to the mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the BPCL.

4. The Committee on Petitions took up the Representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the Representation received from Shri V. P. Balwatkar was forwarded to the Ministry of Petroleum & Natural Gas for furnishing their comments on the issues raised in the Representation. Since the mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the BPCL is of important nature; the examination of the Representation by the Committee on Petitions is based on the following aspects:-

- (I) History of the BPCL
- (II) Welfare of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Physically Handicapped, etc., in the BPCL.
- (III) Special Component Plan for SC/ST/PH for the Public Sector Undertakings (PSUs) for 2015-16.
- (IV) Cadre wise sanctioned and existing strength of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Physically Challenged and Ex-Servicemen categories of personnel in the BPCL.
- (V) Backlog of SC/ST/OBC/PH in Oil PSUs under the Administrative Control of the Ministry of Petroleum and Natural Gas.
- (VI) Presidential Directives issued by the Department of Public Enterprises for extending the policies and procedures of the Government in regard to reservation, relaxation, concession, etc., for Scheduled Castes and Scheduled Tribes to Central Public Sector Undertakings.
- (VII) Comments received from the Ministry of Petroleum and Natural Gas.

5. The examination on the points raised in the Representation is discussed in the succeeding paragraphs.

#### **I. History of the Bharat Petroleum Corporation Limited (BPCL)**

6. Bharat Petroleum Corporation Limited (BPCL) is a State controlled Oil and Gas Company having its Headquarters in Mumbai, Maharashtra. The Corporation operates two large refineries of the country located at Mumbai and Kochi. The company is ranked 358th on the Fortune Global 500 list of the world's biggest corporations as of 2016.

7. In 1889, during vast industrial development, an important player in the South Asian market was the Burmah Oil Company. Though incorporated in Scotland in 1886, the company grew out of the enterprises of the Chef Rohit Oil Company, which had been formed in 1871 to refine crude oil produced from primitive hand dug wells in Upper Burma. In 1928, Asiatic Petroleum Company (India) started cooperation with Burma oil company.

This alliance led to the formation of Burmah-Shell Oil Storage and Distributing Company of India Limited. Burmah Shell began its operations with import and marketing of Kerosene

8. On 24 January 1976, the Burmah Shell was taken over by the Government of India to form Bharat Refineries Limited. On 1 August 1977, it was renamed Bharat Petroleum Corporation Limited. It was also the first refinery to process newly found indigenous crude Bombay High.

## **II. Welfare of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Physically Handicapped, etc., in the BPCL**

9. The Guidelines in respect of the reservation for the Scheduled Castes/ Scheduled Tribes, Other Backward Classes and Physically Handicapped persons issued from time to time by Department of Personnel & Training, Department of Public Enterprises, Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs, are being implemented in Ministry of Petroleum & Natural Gas and Public Sector Undertakings under its Administrative control. The SCT Cell of this Ministry monitors the implementation of reservation policies in PSUs as well as in the Ministry. The PSUs have also constituted Implementation Cells under the supervision of their Liaison Officers to safeguard the interests of employees belonging to SCs, STs, OBCs and Persons with the Disability (PWD) and to redress their grievances. The Liaison Officers of the PSUs are responsible for ensuring implementation of the Presidential Directives as well as the various orders of the Government on the subject. Remedial action on the grievances of the SCs, STs, OBCs and PWD employees of PSUs received through the Members of Parliament, National Commission for SC & ST and National Commission for Other Backward Classes are taken, as necessary. The status of appointment of SCs, STs, OBCs, PWD is monitored by the Ministry through report furnished by PSUs. In pursuance of the observations of Parliamentary Committee on the Welfare of SCs/STs/OBCs and the Presidential Directives on reservations for in service SCs/ STs, a team lead by the Liaison Officer of this Ministry inspects the Reservation Rosters maintained by the Units of PSUs, annually. In 2015 the team has inspected rosters of many units of PSUs, where Rosters are maintained.



**III. Special Component Plan for SC/ST/PH in the Public Sector Undertakings (PSUs) for 2015-16**

10. Under this plan, most of the PSUs of this Ministry are undertaking the following developmental activities for the Welfare of SC/ST population during 2015-16:-

- Scholarship/Financial Assistance for purchase of books/ uniforms etc to SC/ST students in neighboring schools;
- Every year Rs. 20.00 crore has been allocated to various work centers of ONGC and SCP/ STP towards Welfare and upliftment of SC/ST communities;
- Education for Primary level Schools, hiring of teacher, provision of uniform, note books, stationary etc. to school going children;
- During the year the PSUs of this Ministry have made provision in the plan outlet for award of scholarship to SC and ST students;
- Special recruitment drive relating to PWD has been carried out during this year in Oil PSUs;
- PSUs of this Ministry are implementing the provisions under Disability Act, 1995 in respect to identification of course, implementing various provision of 3% reservation of course in OH, VH & HH category.

**IV. Cadre wise sanctioned and existing strength of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Physically Challenged and Ex-Servicemen categories of personnel in the BPCL.**

The details about the cadre wise sanctioned and existing strength of various categories of personnel in the BPCL are as under:-

(as on 1.7.2016)

Gr.	Strength	SC		ST		OBC		PWD		Minorities		Women	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
A	5994	946	15.78	364	6.07	919	15.33	81	1.35	782	13.05	549	9.16

B	2651	382	14.41	137	5.17	240	9.05	66	2.29	454	17.13	554	20.90
C	2335	353	15.12	142	6.08	425	18.20	50	2.14	386	16.53	36	1.54
D	1761	344	19.53	133	7.55	224	12.72	27	1.53	179	10.16	19	1.08
<b>Total</b>	<b>12741</b>	<b>2025</b>	<b>15.89</b>	<b>776</b>	<b>6.09</b>	<b>1808</b>	<b>14.19*</b>	<b>222</b>	<b>1.74</b>	<b>1671</b>	<b>13.12</b>	<b>1158</b>	<b>9.09</b>

\* from 1993 only.

## V. Backlog of SC/ST/OBC/PH in Oil PSUs under the Administrative Control of the Ministry of Petroleum and Natural Gas

11. The backlog vacancies of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Handicapped persons in Group(s) 'A', 'B', 'C' and 'D' in respect of various Oil Companies under the direct recruitment quota are as under:-

(as on 31.12.2015)

Public Sector Undertakings	Number of backlog Reserved Vacancies remaining (Direct Recruitment)							
	Group A		Group B		Group C		Group D	
	SC/ST	OBC/PH	SC/ST	OBC/PH	SC/ST	OBC/PH	SC/ST	OBC/PH
Balmer Lawrie	8/5	21/0	3/3	7/0	Nil	Nil	Nil	Nil
OIL	7/4	19/18	0/1	0/1	2/6	3/11	0/1	0/15
EIL	1/6	1/7	Nil	0/1	1/0	0/2	Nil	Nil
BPCL	Nil	0/34	0/3	226/1	Nil	52/3	Nil	223/0
NRL	3/0	1/2	Nil	Nil	Nil	0/6	Nil	Nil
IOC	9/20	38/0	Nil	Nil	2/11	3/20	1/0	2/29
GAIL	9/7	15/4	2/5	14/4	23/5	7/4	0/5	1/0
HPCL	1/0	16/2	Nil	Nil	Nil	0/13	Nil	44/5
ONGC	Nil	0/161	Nil	Nil	2/24	16/125	7/11	25/0
ONGC Videsh	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
CPCL	Nil	Nil	Nil	0/2*	Nil	Nil	Nil	Nil
Bienco Lawrie	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
MRPL	4/1	15/2	Nil	Nil	19/15	1/0	Nil	Nil
OIDB	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
RGIPT	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

\* Recruitment on Court Orders/directions leads to shortfall which is being taken note of in subsequent recruitment exercise.

## VI. Presidential Directives issued by the Department of Public Enterprises

12. Presidential Directives are being issued from time to time for extending the policies and procedures of the Government in regard to reservation, relaxation, concession, etc., for the Scheduled Castes and Scheduled Tribes to the Central Public Sector Undertakings. Some of the important features of the Presidential Directives are as under:-

Percentage of reservation in vacancies

(A) Direct Recruitment

		<b>Scheduled Castes</b>	<b>Scheduled Tribes</b>
(i)	Direct recruitment on an All-India basis by means of Open Competitive Test, i.e., by written examination	15%	7-1/2%
(ii)	Direct recruitment on an All-India basis otherwise than at (i) above, i.e., by not conducting written competitive examination	16-2/3%	7-1/2%
(iii)	Direct recruitment to Group C and D posts normally attracting candidates from a locally or a region	Vary from State to State and UT to UT	
(iv)	The principle of reservation for SCs and STs, should generally be suitably applied to the extent possible, to work charged posts also except those required for emergencies, like flood relief work, accident restoration and relief, etc. The percentage of reservation in such appointments may correspond to what is applicable to Group C and Group D posts in that locality or region		

(B) Promotion

		<b>Scheduled Castes</b>	<b>Scheduled Tribes</b>
(i)	Posts filled by promotion through limited Departmental Competitive Examinations within or to Group B,	15%	7-1/2%

	C & D in which the element of Direct Recruitment, if any, does not exceed 75%		
(ii)	Posts filled by promotion made by selection from Group B (Class II) to lowest rung of category in Group A (Class I) and in Groups B,C & D posts in grades or services in which the element of Direct Recruitment, if any, does not exceed 75%	15%	7-1/2%
(iii)	Posts filled on the basis of seniority subject to fitness in Group A, B, C & D posts in grades or services in which the element of Direct Recruitment does not exceed 75%	15%	7-1/2%

The above reservation will not apply to:-

- (i) Vacancies filled by transfer or by deputation:

Reservation do not apply to posts filled by 'deputation', but whenever a public enterprise proposes to depute, in public interest, officers serving in or under them to a post in or under another public enterprise, the Scheduled Castes and Scheduled Tribes employees serving in or under the public enterprise concerned who are eligible to be sent on deputation should also be considered along with other eligible employees for such deputation. The Public Enterprises under whose control the posts to be filled by deputation or transfer arise should, while selecting persons for such posts to be filled by deputation or transfer duly consider the case of eligible SC and ST employees whose names have been forwarded by other public enterprises along with other eligible employees, for recruitment on deputation or transfer to those posts. Where the number of posts to be filled on deputation by any public enterprises is fairly substantial, the enterprise concerned should endeavour to see that a fair proportion of such posts are filled by employees belonging to Scheduled Castes and Scheduled Tribes.

- (ii) Temporary appointment of less than 45 days' duration.
- (iii) Those work-charged posts which are required for emergencies like flood relief work, accident restoration and relief, etc.

While there is no reservation for Scheduled Castes and Scheduled Tribes in purely temporary appointment such as work charged staff including the daily rated and monthly rated staff, regularization of such work-charged staff against regular posts would have to be treated as fresh appointment for the purpose of the orders on reservation. In other words, absorption of muster roll employees has to be treated as fresh appointment as from a post to which the reservation does not apply to a post to which the reservation applies.

- (iv) Scientific and technical posts which are classified as such are in grades above the lowest grade in Group A of the services concerned and are meant for conducting research or for organizing, guiding and directing research may be exempted from the purview of the scheme of reservation with the approval of the Board of Directors.

(C) SC/ST Candidates Selected on Merit

In cases of direct recruitment to vacancies in posts under public sector enterprises, the Scheduled Castes and Scheduled Tribes candidates who are selected on their own merit without relaxed standard, along with candidates belonging to the other communities, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible SC/ST candidates which will thus comprise SC/ST candidates who are lower in merit than the last candidate in the merit but otherwise found suitable for appointment even by relaxed standards, if necessary.

Ban on de-reservation in Direct Recruitment

- (i) Where sufficient number of candidates belonging to SC/ST are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies

shall not be filled by candidates not belonging to those communities. In other words , there will be a ban on de-reservation in direct recruitment.

- (ii) In all cases of direct recruitment to fill up vacancies in posts/services in Group A, B, C and D, if sufficient number of suitable SC/ST candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, then a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies. If the required number of SC/ST are not available even then, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as 'Backlog' vacancies.
- (iii) In the subsequent year when recruitment is made for the vacancies of the year (called the current vacancies), the 'backlog' vacancies will also be announced for recruitment, keeping the vacancies of the particular recruitment year, i.e., the current vacancies and the 'backlog' vacancies as two distinct groups. While in respect of vacancies for the year of recruitment, the normal instructions relating to calculation of vacancies reserved for SC/ST as well as the instructions that not more than 50 per cent of the vacancies could be reserved for SC/ST, Physically handicapped, etc., will apply, all the 'backlog' vacancies for SC/ST will be filled up by the concerned candidates belonging to reserved category without any restriction whatsoever as they belong to distinct group of 'backlog' vacancies.
- (iv) If vacancies reserved for SC/ST cannot be filled up and are carried forward as 'backlog' vacancies and remain unfilled for three successive recruitment years, the vacancies earmarked for SC could be filled by ST candidates or vice versa in all subsequent attempts, if suitable candidates belonging to the category for which the vacancy is reserved is not available (Exchange between SC and ST not permissible - DOPT's OM dated 6.11.2003).
- (v) Notwithstanding the aforesaid, in rare and exceptional cases of direct recruitment to Group A posts where the vacancy cannot be allowed to remain unfilled in public interest, dereservation of such reserved vacancies may be

permitted with the approval of the Cabinet Minister in-charge of the Administrative Ministry, on the recommendation of the Board of Directors.

Further, if due to non-availability of suitable technically qualified SC/ST candidates even with relaxed standards, a reserved vacancy in Group B and C, technical posts cannot be filled with SC/ST candidate and the post cannot be allowed to remain vacant due to the resultant adverse impact on the operations of the public enterprises, de-reservation of such reserved vacancies may be permitted with the approval of the Cabinet Minister in-charge of the administrative Ministry, on the recommendation of the Board of Directors.

However, even in such cases where de-reservation may be resorted to, the interests of SC/ST will be taken care of by carry forward and exchange as hereinbefore.

#### Intimation of reserved vacancies to recognized Associations and Organisations of Scheduled Castes/ Scheduled Tribes

Simultaneously with the advertisement, the vacancies should be brought to the note of Scheduled Castes/ Scheduled Tribes Organisations listed in the Brochure on Reservation for SC/ST. While doing so, it should be made clear to such Organisations that their function is limited to advising the Scheduled Castes/ Scheduled Tribes candidates about the recruitment proposed and that will not be for them to recommend or press the names of any individuals. The candidates should apply to the Appointing Authority either directly or through the Employment Exchange as the case may be.

#### Promotions by selection within Group A (Class I)

In promotion by selection to posts within Group A (Class I) which carry an ultimate salary of Rs. 2250/- (revised to Rs. 5700/-) per month or less, there is no reservation, except a concession namely that the Scheduled Castes/Scheduled Tribes Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has been drawn up, would be included in the list, provided they are not considered unfit for promotion. Their position in the

select list would, however, be the same as assigned to them by the Departmental Promotion Committee on the basis of their record of service. They would not be given for this purpose, one grading higher than the grading otherwise assignable to them on the basis of their record of service.

It may be noted that the salary limit of Rs. 2250/- per month mentioned above has been revised to Rs. 5700/- based on the recommendation of the High Power Pay Committee (HPPC). In the case of officers in PSUs who are following Central Government DA pattern, in PSEs, which are following IDA pattern, the corresponding monetary ceilings would be Rs. 6900/- as revised w.e.f., 1.1.1987 (Rs. 3200/- where pay scales have not been revised) and Rs. 9100/- w.e.f., 1.1.1992 which now stands Rs. 20,800/- w.e.f., 1.1.1997.

## **VII. Comments received from the Ministry of Petroleum and Natural Gas**

13. The Ministry of Petroleum & Natural Gas vide their communication dated 26.8.2016 furnished the following reply:-

*"Shri V. P. Balwatkar joined BPCL on 24.01.1984 as Deputy Manager (Supplies & Distribution) in Job Group 'C', at the age of 43 years, as a direct recruit against a permanent position of an ST vacancy. The terms and conditions of service in BPCL include among other things, the recruit being placed on probation for a period of twelve months and if, the performance is not found satisfactory, the same being liable to be extended for another six months with the confirmation status of the individual being conveyed clearly in writing. Another significant feature of the contractual terms is All India transferability that the employee liable to be given any role/job anywhere in the Corporation.*

*In the case of Shri Balwatkar, since his performance during probation was not found satisfactory, his probation was extended by another six months and only thereafter he was confirmed in service. Since his annual appraisal reports thereafter continued to be of a mediocre in nature, he got only one promotion in 1990, in a career span of 14 years in BPCL. Subsequent to his promotion, his performance levels continued to be of the same pattern. He retired from the Corporation's service on 30.04.1998. Shri Balwatkar's performance issues, areas of development were advised to him several times during his career span."*



14. The Committee, in particular, desired to know the details of granting increments to Shri Balwatkar during his service in the BPCL. The Ministry of Petroleum and Natural Gas in this regard submitted:-

*"As per details available with BPCL, no increments were withheld on account of his performance."*

15. Keeping in view the fact that during the entire service of 14 years in the BPCL, Shri Balwatkar got only one promotion. Therefore, the Committee wanted to know the performance of Shri Balwatkar while working in the BPCL. The Ministry of Petroleum and Natural Gas, in a written note, submitted:-

*"Shri Balwatkar had been assessed 'Very Good' only for one year out of entire career of 14 years i.e. 1989, he had an acceptable level of performance based on which he was promoted as Manager in Job Group 'D'. Since his track record thereafter was not up to the mark, he could not be considered for any further career progressions even though he belonged to ST community, even applying the principles of concessions as per Clause 14.1 of the Presidential Directives. Shri Balwatkar's performance during his career span of 14 years was sub-optimal and his poor performance was the only reason for his slow progression."*

16. On being enquired by the Committee about the details regarding promotion policy being followed in the BPCL, the Ministry of Petroleum & Natural Gas submitted:-

*"BPCL follows promotion policy as per Clause 14.1 of Presidential Directives and OM No.6/11/2004-DPE(SC/ST Cell) dated 08.11.2004 from Government of India, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises and OM No. F.No.6/11/2004-DPE(SC/ST Cell) dated 31.01.2014 from Ministry of Heavy Industries & Public Enterprises, Dept. of Public Enterprises."*

17. The Committee, thereafter, categorically wanted to know the details of action taken by the BPCL in various representations given by Shri V. P. Balwatkar prior to his retirement on attaining the age of superannuation. To this, the Ministry of Petroleum & Natural Gas, in its written reply, submitted:-

*"Several representations were received from Shri Balwatkar and all these representations had been replied to by the BPCL."*

18. On a specific query with regard to the various communiqué received from the National Commission for Scheduled Tribes with respect to the representations of Shri V. P. Balwatkar and action taken thereon, the Ministry, in its written reply, submitted that continuous correspondence between the erstwhile National Commission for Scheduled Castes & Scheduled Tribes (NCSC & ST) [now the National Commission for Schedule Tribes (NC ST)] and the BPCL took place, the relevant details are -

- i. *NCSC & ST to BCPL vide their letter No.V-3/PET-9/98. SSW-IV dated 02.06.1998, to which BPCL replied by letter ref HRD.SC/ST.CON dated 24.06.1998.*
- ii. *NCSC & ST to BCPL vide their letter No.V-3/Petro-9/SC/98-SSW-IV/I dated 01.03.2003, to which BPCL replied by letter ref HRD.SCST.CON dated 13.01.2003.*
- iii. *NCSC & ST to BCPL vide their letter No.V-3/Petro-9/SC/98 SSW-IV/I dated 06.08.2003, to which BPCL replied by letter ref HRD.SC/ST.CON dated 29.08.2003.*
- iv. *NCST to BPCL vide their letter No.V2/Petroleum-3/Service/2008/RU-II dated 13.05.2008, 21.07.2008 and 09.09.2008 with respect to two representations from Shri. V. P. Balwatkar dated 20.02.2008 & 23.04.2008, to which BPCL replied by letter ref HRD.SC/ST.CON dated 24.09.2008.*

19. The Committee, then, drew a reference to one of the allegations made by Shri Balwatkar in his representation to the effect that his case was closed by the National Commission for Scheduled Tribes without any justification - in connivance with the BPCL - and specifically desired to know as to whether the representatives of the Ministry of Petroleum and Natural Gas or the BPCL have ever been summoned by National Commission for Scheduled Tribes and if so, what deliberations took place between them. The Ministry of Petroleum and Natural Gas, in its written reply, submitted:-

*"BPCL was not summoned by National Commission for Scheduled Tribes with respect to any of the representations of Shri V. P. Balwatkar."*

20. The Committee further desired to know about the details of internal mechanism available in the BPCL for redressing the service-related grievances of their reserved category employees. The Ministry of Petroleum & Natural Gas, in its written reply submitted:-

*"Grievances at first level are dealt by the Line Managers and by the Business and if the employees are not satisfied, they are further escalated to the very senior levels for a review/decision. This procedure is agnostic to any caste or creed."*

21. On the issue, the Committee also undertook a Study Visit to Kochi on 26 August, 2016 to have a realistic assessment of the mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the BPCL.

22. During the Study Visit, the Committee categorically desired to know the provisions of reservation to Scheduled Castes, Scheduled Tribes, Other Backward Classes, etc., in the BPCL. The representatives of the Ministry of Petroleum and Natural Gas submitted before the Committee that while recruitment in BPCL is entirely done on merit, care is taken to ensure that adequate persons are recruited from SC/ST/OBC/PWD category to meet the provisions mandated by the Presidential Directives on reservations in Recruitment. In this context, the witness further submitted that for promotions, within Group A, the BPCL management is guided by the Directives that there is no reservation, except a concession to the effect that the Scheduled Castes/Scheduled Tribes Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in the list, provided they are not considered unfit for promotion. Arising out of the above, sizeable numbers of officers belonging to SC/ST category are promoted each year.

23. The Committee specifically desired to know about the safeguards available in the Presidential Directives for the staff belonging to SC/ST categories in the BPCL. The representative of the Ministry of Petroleum and Natural Gas deposed before the Committee as under:-

*"The following safeguards for the welfare of staff belonging to the SC and ST categories are scrupulously followed in the BPCL:-*

- a) *DPE's OM dated 8.11.2004 and 31.01.2014 stipulates that the concessions detailed in Para 14.1 is available to posts within Group A which carry an ultimate salary of Rs.20,800/- in IDA scale which is equivalent to Job group 'C' in BPCL. However, in order to provide opportunities for representation of SC/ST in higher management, the Organization has been extending this benefit all along up to Job Group 'E' as an extra concession.*

- b) *It is ensured that no DPC is held unless it is represented by at least one member belonging to SC/ST community."*

In this context, the representative also submitted:-

*"Sizeable number of officers belonging to SC and ST categories are promoted each year. As matter of fact, the SC and ST representation in promotions within Group A during the last 2 years is as under:-*

Year	General %	SC and ST %
2014-15	76.9	23.1
2015-16	76.7	23.3

He further submitted:-

*"The aforesaid details will bear out the fact that the Corporation has a good track record in terms of promotion of staff from SC/ST Category. BPCL have analyzed the statistics of staff belonging to SC/ST who joined the Corporation between the period 1978 to 1984 at entry level in JG.A or JG.B/ C and find that there are number of staff belonging to SC/ST category who have reached the level of Chief Managers/ Dy. General Managers and 6 staff have reached the level of General Manager/ Executive Director. This indicates that every staff irrespective of his/her caste gets fair opportunity to perform and excel in their career. Aside from the above, BPCL also wish to highlight that, BPCL's Chairman designate, is currently the MD of wholly owned subsidiary, Bharat Petro Resources Ltd is from SC/ST community. Further, considerable numbers of staff belonging to SC/ST community are occupying coveted positions of Territory Managers, Locations-In-Charge, Regional HRS Head, besides being in frontline Sales jobs. From the foregoing, it would be evident that there is no discrimination whatsoever against any staff least of all staff belonging to the SC/ST category. BPCL therefore wish to assure that BPCL is committed to safeguarding the interests of candidates of SC/ST Category both in letter and spirit and BPCL will continue to do so."*

24. The Committee thereafter, wanted to know about the present status of the case of Shri Balwatkar. The representative of the Ministry of Petroleum and Natural Gas submitted:-

*"This is a case of grievance of dissatisfied ex-employee. BPCL have replied to all his representations citing the reasons for why he could not be confirmed in service resulting into extension of probation period by six months i.e. lack of performance which was brought to his notice during the mid-term review by his Appraising Officer. Similarly, in our replies the reason explaining that his performance level was the only*

*reason for his slow promotion was mentioned. Shri Balwatkar retired in April 1998. His grievances, if any, related to his performance appraisals, career progressions should have been taken up by him while in service. It is more than 18 years since he has retired from the Corporation's service and he has received all the terminal dues on the basis of his last drawn emoluments in Job Group 'D' (Manager) and he has enjoyed the benefits on that basis. However, Shri Balwatkar has not been receptive to the fact that his inferior performance levels as opposed to many of his colleagues in the same community who have also reached the level of Executive Director in the Organization through sheer performance. It appears that Shri Balwatkar does not acknowledge the fact that career progressions in BPCL are based on merit-cum-seniority and not just on any other basis."*

## OBSERVATIONS/RECOMMENDATIONS

### Mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the Bharat Petroleum Corporation Limited (BPCL)

25. The Committee note that the Guidelines in respect of reservation for the Scheduled Castes, Scheduled Tribes, etc., issued from time to time are being implemented in the Ministry of Petroleum & Natural Gas and Public Sector Undertakings thereunder - including the Bharat Petroleum Corporation Limited. The SCT Cell of the Ministry of Petroleum & Natural Gas monitors the implementation of Reservation Policy in the Public Sector Undertakings. The PSUs have also constituted 'Implementation Cells' under the supervision of their Liaison Officers to safeguard the interests of employees; not only belonging to the SCs and STs but also to the OBCs and Persons with Disability (PWD).

26. The Committee also note that the Liaison Officers of the PSUs are responsible for ensuring implementation of the Presidential Directives as well as the various orders of the Government, issued from time to time on the subject. The status of appointment of SCs, STs, etc., is, however, monitored by the Ministry of Petroleum & Natural Gas through the report furnished by the respective PSUs.

27. The Committee further note that in pursuance of the Presidential Directives on reservations for *in service* SCs/STs, a team led by the Liaison Officer of the Ministry of Petroleum & Natural Gas annually inspects the 'Reservation Rosters' maintained by the Units of PSUs.

28. The Committee have also been given to understand that in the year 2015, the team had inspected the 'Reservation Rosters' of many Units of PSUs, where these Rosters are maintained.

29. While examining the instant Representation of Shri V.P. Balwatkar, the Committee conscientiously went through the deliberations they had with the Ministry of Petroleum & Natural Gas as well as representatives of the BPCL during its Study Visit to Kochi on 26 August, 2016. Notwithstanding the fact that a mechanism for providing reservation to Scheduled Castes and Scheduled Tribes in the Public Sector Undertakings, *in general*, and the Bharat Petroleum Corporation Limited, *in particular*, in terms of various Guidelines/Orders as enshrined in the form of Presidential Directives is already in place, the Committee are of the opinion that a lot of innovative efforts are still required to be made by the Ministry of Petroleum & Natural Gas in regard to the inspection of 'Reservation Rosters' being maintained various Units of the PSUs for ensuring precise representation of SCs, STs, etc., therein. The Committee, therefore, strongly recommend that with a view to disseminating the information regarding representation of SC/ST employees in various cadres of the PSUs to ward off any apprehensions/grievances from the serving employees, the 'Reservation Rosters' of various Units of the PSUs including the BPCL along with the outcome of yearly inspection undertaken by the Ministry should be made online. The Committee would like the Ministry of Petroleum & Natural Gas to take necessary action and apprise the Committee accordingly within three months of presentation of this Report to the House.

Cadre wise sanctioned and existing strength of SC/ST employees and backlog vacancies in the BPCL

30. The Committee note that, as on 1.7.2016, the total number of employees in the BPCL was 12741 [Group 'A' - 946, Group 'B' - 2651, Group 'C' - 2335 and Group 'D' - 1761], in which, the number of Scheduled Caste and Scheduled Tribe employees were 2025 and 776, which comes about to be 15.89 % and 6.09% respectively. The Committee also note that, as on 31.12.2015, in the BPCL, there was no backlog vacancies of Scheduled Castes and/or Scheduled Tribes categories in any of the

Groups ('A', 'B', 'C' or 'D') except that there were 03 backlog vacancies in Scheduled Tribe category.

31. The Committee are also given to understand that the 'Presidential Directives' are being issued from time to time for extending the policies and procedures of the Government in regard to reservation, relaxation, concession, etc., for the Scheduled Castes and Scheduled Tribes to the Central Public Sector Undertakings (CPSUs). The 'Presidential Directives' broadly prescribe percentage of reservation in vacancies as 15% and 7-1/2% for Scheduled Castes and Scheduled Tribes respectively in Direct Recruitment as well as in Promotion.

32. The Committee are satisfied by the efforts made by the BPCL in filling up the vacancies reserved for Scheduled Castes and Scheduled Tribes - in view of the fact that there were only 03 backlog vacancies reserved for Scheduled Caste candidates. Nevertheless, the Committee wish to emphasise that the overall cadre strength of Scheduled Caste and Scheduled Tribe categories would, at times, is unable to give a true picture of the grievances of individual reserved-category employee relating to non-consideration of their candidature for promotion as raised by Shri Balwatkar, in his Representation. Though the Committee are aware of the fact that in terms of Clause 14.1 of the 'Presidential Directives', there is no reservation in promotion by selection to posts within Group 'A', except a concession, namely that the Scheduled Castes/Scheduled Tribes Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, provided that they are not considered 'unfit' for promotion. The Committee would, however, like to impress upon the Ministry of Petroleum & Natural Gas to issue necessary directives to all the CPSUs, including the BPCL, for adopting a transparent mechanism for consideration for promotion of Scheduled Castes/Scheduled Tribes employees so that they are also able to



comprehend all the inherent intricacies involved while implementing the various provisions of relevant Guidelines/Orders on case to case basis. The Committee would like to be apprised of the action taken by the Ministry of Petroleum & Natural Gas in the matter.

**Grievances of Shri V.P. Balwatkar, a retired employee of the BPCL**

33. The Committee note that the representationist, Shri V. P. Balwatkar joined the BPCL on 24.1.1984, as Deputy Manager against an ST vacancy. His probation period was extended for six months and in the Annual Performance Report, he was graded as 'average/below average' for two consecutive years. During his service period spanning over 14 years, in the year 1990, he got his first progression after 6 years as a Manager and thereafter, there was no progression till he retired on 30.4.1998 on attaining the age of superannuation. Due to alleged discrimination in not considering him for promotion to the next higher post, Shri Balwatkar gave several representations to the Management of the BPCL. He also submitted a Representation to the National Commission for Scheduled Tribes and BPCL for the redressal of his service-related grievances.

34. The Ministry of Petroleum & Natural Gas and the BPCL during the course of examination of his representation apprised the Committee that the terms and conditions of service in the BPCL *inter alia* stipulate that the newly recruited personnel is required to be placed on probation for a period of twelve months and after the completion of said probation, in case, the performance of the employee is not found satisfactory, the same is liable to be extended for another six months. Since the performance of Shri Balwatkar during his probation period was not found satisfactory, his period of probation was extended by another six months and only thereafter he was confirmed in the service. Since his Annual Appraisal Reports,

thereafter, also continued to be '*mediocre*' in nature, in a career span of 14 years in the BPCL, he got only one promotion in 1990. Subsequent to the promotion of Shri Balwatkar, his performance levels continued to be of the same pattern. He retired from the BPCL on 30.04.1998. Shri Balwatkar's performance issues, areas of development were advised to him several times during his career span.

35. The Committee were further informed that Shri Balwatkar had been assessed 'Very Good' only for one year out of his entire career of 14 years. In the year 1989, since, he had an acceptable level of performance, he was considered for promotion as Manager. Thereafter, the track record of Shri Balwatkar was not up to the mark, as a consequence thereof, he could not be considered for any further career progression even after applying the principles of concessions as per Clause 14.1 of the Presidential Directives, though he belonged to ST community. Shri Balwatkar's performance during his career span of 14 years was sub-optimal and his poor performance was the only reason for his slow progression but no increments were withheld on account of his performance.

36. While going through the case, threadbare, the Committee observe that the BPCL had not only examined all his service-related representations but also conveyed their position to the representationist from time to time. In this chronology, the National Commission for Scheduled Tribes had *inter alia* also observed that no discrimination of any kind was meted out to the representationist while in serving the BPCL. The Committee have also gathered that the representationist was given number of opportunities to improve upon his performance issues, area(s) of development during his career span but to no avail. The Committee are, therefore, of the firm opinion that the allegation of Shri Balwatkar that he had been discriminated and not considered for promotion are unfounded and does not cut much ice. However, the Committee would like to point out that the Management of the BPCL

should make efforts to strengthen their Grievance Redressal Machinery to expeditiously deal with various service-related matter on which the employees, sometimes, feel aggrieved. The Committee, therefore, urge the Ministry of Petroleum & Natural Gas to advise the BPCL Management to once again invite/write to Shri Balwatkar, though he retired around 18 years ago, for having an unambiguous understanding of all the finer aspects of the welfare of Scheduled Castes/ Scheduled Tribes in tune with the Presidential Directives issued by the Department of Public Enterprises for extending the policies and procedures of the Government in regard to reservation, relaxation, concession, etc., for Scheduled Castes and Scheduled Tribes employed in the CPSUs. The Committee would like to be apprised of the action taken by the Ministry in this regard.

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