

**THIRTY - FOURTH REPORT
COMMITTEE ON PETITIONS**

(SIXTEENTH LOK SABHA)

MINISTRY OF RAILWAYS

(Presented to Lok Sabha on 26.7.2017)



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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 |

THIRTY - FOURTH 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 Fourth Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations of the Committee on Petitions made in their Thirty First Report (15th Lok Sabha) on the representation received from Shri Anandrao Adsul, M.P., Lok Sabha regarding appointment of candidate who have passed Medical Test for group 'D' Posts in the Central Railway.

2. The Committee considered and adopted the draft Thirty Fourth Action Taken Report at their sitting held on 30 June, 2017.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

30 June, 2017

9 Ashadha, 1939 (Saka)

BHAGAT SINGH KOSHYARI
Chairperson,
Committee on Petitions

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (FIFTEENTH LOK SABHA) IN THEIR THIRTY FIRST REPORT ON THE REPRESENTATION OF SHRI ANANDRAO ADSUL, M.P., LOK SABHA REGARDING APPOINTMENT OF CANDIDATES WHO HAVE PASSED MEDICAL TEST FOR GROUP 'D' POSTS IN THE CENTRAL RAILWAY.

The Committee on Petitions (Fifteenth Lok Sabha) presented their Thirty First Report to Hon'ble Speaker, Lok Sabha on 4.1.2014 on a representation received from Shri Anandrao Adsul, M.P., Lok Sabha regarding appointment of candidate who have passed Medical Test for group 'D' Posts in the Central Railway.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were asked to 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 15, 16, 17, 18 and 19 of the Report, the Committee had observed/recommended as follows:-

"The Committee note from the submission made by the Petitioner that the Central Railways in the year 2007 had advertised 6412 vacancies of Group 'D' category. Subsequently, 7870 candidates had cleared main examination and they were sent for Medical Test. At the time of advertisement of the vacancies, the qualification laid down for the said category posts was 8th Pass which was later on raised to 10th or equivalent as per the recommendations of the Sixth Central Pay Commission. Candidates who had passed main examination as well as Medical Test and after verification of their documents, their Medical Fitness Certificates were also sent to respective Railway Division for appointment. Since, the Minimum Qualification for the posts of Group 'D' category has been raised to 10th pass or equivalent, the candidates who are only 8th Pass and are falling in the merit between 6413 and

7870 and who had passed main examination and Medical Test and are waiting for their appointment in the Railways, now stand no other chance to get a Government job. Moreover, most of them have also become over-aged. In this regard, Shri Adsul and other Members of Parliament had approached the Minister of Railways, Member (Staff), Executive Director (Estt), GM, Central Railway and other Railway Authorities on different occasions with the request to accommodate remaining candidates also, who had passed the Medical Test etc. and were in the waiting list for getting their appointment in Railways. Since then all the Railway Ministers have shown a positive approach towards the whole issue but still the matter stand neglected for a long time by the concerned Authorities in the Railway Board. The Petitioner has, therefore, requested that the left out candidates may also be given employment in Railways."

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

"The Committee were informed that, when the Notification for 47,000 Group 'D' category posts was notified, for all over India, the Minimum Qualification was kept as 8th pass. Since large number (4,62,361) of applications were received, processing of these applications took time. Meanwhile, in the year 2008 the Sixth Central Pay Commission Report came, in which 10th pass was kept as Minimum Qualification for appointment to Group 'D' posts. Since, large number of applications had been processed and also there were large number of vacancies out of which half of these vacancies fell under safety category, the Ministry of Railways prepared a Cabinet Note for seeking one time exemption to complete the on-going process of selection of Group 'D' posts with 8th pass qualification. The Cabinet considered the matter in its sitting held on 8 October, 2009 and gave one time exemption for the ongoing selection process, very clearly restricting the total number of 47,000 posts."

"The Committee were also apprised by the Ministry that vacancies notified at one point of time are treated as sacrosanct once the process is completed and these can not be changed. Further, the recruitment process has been completed for the next cycle of vacancies occurring up to 31 December, 2012 by all the Railway Zones with same condition of 20% extra to be called as reserve. Also written tests are being

conducted for another cycle of vacancies up to 31 December, 2013 and are in process with qualification of 10th pass or ITI or equivalent. Moreover, the Central Railway have notified 3840 number of vacancies for the calendar year 2014."

"The Committee are concerned to note that even after lapse of more than six and half years i.e. from the date, the notification was issued viz. 17 May, 2007, only 5774 candidates have joined duty out of 6412 Notified Vacancies and remaining candidates will join by January, 2014. Even when the recruitment procedure of 2007 notification has not been completed as yet, the Railways have issued it subsequent Notifications periodically thereby notifying Group 'D' category vacancies for the calendar years 2012, 2013 and 2014 and completed recruitment process for the vacancies occurring up to 31/12/2012. The Committee feel that this delay in completing recruitment of the remaining empanelled candidates is not only causing them mental agony and financial loss but they may also be losing on account of their seniority for no fault of theirs. The Committee are, therefore, of the view that the recruitment procedures of the Railways needs to be systematic and streamlined so that the candidates selected first get first appointed. The Committee, therefore, strongly recommends that the Railways should evolve a better organized system of recruitment. The Committee also recommend that Central Railway should recruit all the remaining empanelled candidates out of 6412, on priority and the seniority of all these 6412 candidates should be fixed above those candidates who were selected vide Notifications issued subsequently".

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

"Procedure of open market recruitment to posts in Pay Band-1 (Grade Pay: ₹1800), erstwhile Group 'D' posts, has been laid down after detailed deliberations with adequate in built checks and balances. The procedure has evolved over the years and has stood the test of time. Requisite changes in the procedures are effected as and when needed and thus, it is well geared to meet requirement of the system adequately, ensuring transparency, fairness and selection, strictly on merit. As regards the contention that candidate selected first shall get first appointment, it is apprised that panel seniority is provided to the candidates, i.e., empanelled candidates of a particular Employment Notice shall be senior to all candidates empanelled against subsequent such notice. Out of 6412 vacancies notified, 6146 have been empanelled. There is a shortfall of 266, majority of which are in the category of Scheduled Tribe. In this light, there appears no reason to change the procedure in force."

6. In para(s) 20 and 21 of the Report, the Committee had observed/recommended as follows:-

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

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

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

"Cases of candidates in question have been considered after comprehensively examining the issue involved. 6412 vacancies were notified and 6146 were provisionally empanelled within the limit of vacancies notified. All candidates, including 20% extra, called for document verification, were directed for medical examination. Their names were not placed in the panel. Mere calling for document verification and medical examination does not entitle them for empanelment as being

claimed. Further, three more cycles of recruitment have been carried out with enhanced qualifications. References received from Central Railway and VIPs addressed to Hon'ble Minister of Railway have been replied to suitably."

8. In para 22 of the Report, the Committee had observed/recommended as follows :-

"The Committee take note of the fact that in the year 2008 when the Sixth Central Pay Commissions came, 10th Pass was kept minimum qualification for appointment of Group 'D' posts. Since more than 4 lakhs applications were processed with regard to appointment of aforesaid batch of 6412 Group 'D' vacancies, Railways approached Cabinet for seeking one time exemption to complete the ongoing process of appointment with the 8th pass qualification;. The Committee appreciates that with the efforts made by the Railways 5774 Candidates have already joined anymore are likely to join but not beyond 6412 i.e. the number of vacancies against which the recruitment was done. The Committee feel that remaining approximately 1021 candidates after qualifying all the selection parameters, who are waiting for their selection, need sympathetic consideration. Nevertheless the Committee firmly believes that employment prospects of the candidates who have already been declared medically fit should not put in jeopardy by denying them the opportunity for appointment in the Central Railway. The Committee, therefore, strongly recommends that the Ministry of Railways should approach the Cabinet with a clear mind and with humanitarian and sympathetic consideration and seek an exemption for recruiting the remaining 1021 candidates or may be even less number because some of them have already been recruited because of the drop-outs. The Committee would like the Ministry of Railway to attach utmost urgency in preparing a Cabinet Note to this effect so that the candidates who are left with no other chance of recruitment in Railways or some other Department being only 8th pass and age-bared are considered for employment. The Committee would like to be apprised of the conclusive action taken in the matter within 3 months after presentation of this Report to Lok Sabha."

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

"This Ministry has earlier approached the Cabinet giving due justification of lot of expenditure involved which was spent on the recruitment exercise underway, large number of unfilled vacancies possessing to threat of safe running of train operations, sudden change of qualification etc., taking into account, the Cabinet approved this Ministry's proposal of filling up of 47000 posts only and that too subject to condition that the candidates who are found to be with qualification less than the prescribed one will be kept in -1S Pay Band until they acquire required qualification. Keeping in view that the recruitment exercise of 2007 in question of Central Railway is already complete empanelling 6146 candidates out of 6412 vacancies notified, three more

cycles of recruitment carried out subsequently with enhanced qualifications, there is no sufficient justification to approach Cabinet as proposed by Committee on Petitions".

Observations/Recommendations

Procedure of Open Market Recruitment and *inter se* seniority

10. The Committee note from the action taken reply that the Ministry of Railways (Railway Board) while updating the status of empanelled candidates for open market recruitments to posts in Pay Band-1 (Grade Pay of Rs. 1800) has stated that out of 6412 vacancies notified, 6146 have been empanelled. There is a shortfall of 266, majority of which are in the category of Scheduled Tribe. However, the Committee are surprised to note that the Ministry of Railways (Railway Board) has conveniently skipped the figures relating to actual number of candidates appointed, till date to the post(s) *vide* Notification(s) issued on and after 17 May, 2007. On the aspect of streamlining the recruitment procedures of the Railways, the Committee are apprised that adequate checks and balances have been laid down by the Ministry of Railways (Railway Board) after detailed deliberations and the procedure evolved over the years has stood the test of time. Requisite changes in the procedures are effected as and when needed and thus, it is well geared to meet the requirements of the system adequately, thereby, ensuring transparency, fairness and selection - strictly on merit. The Committee also find that since the empanelled candidates of a particular Employment Notice shall be senior to all candidates empanelled against subsequent such Notices, there is no reason to change the existing procedure of recruitment. While appreciating the steps being taken by the Ministry of Railways (Railway Board) to protect the *inter se* seniority of candidates appointed *vide* various recruitment Notifications, the Committee would like to be apprised of the details relating to actual number of candidates appointed to the post(s) *vide* Notification(s) issued on and after 17 May, 2007.

Entitlement of candidates for appointment after undergoing document verification, etc.

11. While looking at the refusal for appointment of the remaining 1021 candidates who had qualified all the selection parameters, viz., written test, document verification and medical examination by the Ministry of Railways (Railway Board), the Committee had recommended that the case of these candidates needs a more sympathetic consideration for their appointment in the Central Railway, especially, in view of the fact that whenever candidates are sent for medical examination and found 'fit', they are normally considered for appointment. Besides, this happens to be the last batch for the Eighth Pass candidates as the eligibility for posts in Pay Band-1 (erstwhile Group 'D' posts) has been raised to Tenth Pass or ITI or equivalent. The Committee are not satisfied with the reply of the Ministry of Railways (Railway Board) that all candidates, including 20% extra - called for document verification - were directed for medical examination. Mere calling of candidates for document verification and medical examination does not entitle them for empanelment as being claimed by them. The Committee feel that calling of candidates placed on the 'reserve panel' for document verification and medical examination and later on, denying them appointment to the post is not only harsh in substance but also a key contributory factor for various avoidable litigations. The Committee, therefore, expect the Ministry of Railways (Railway Board) to take corrective action in this regard by way of inserting an unambiguous clause while directing the 'reserve panel' candidates for undergoing document verification and medical examination to the effect that undergoing the pre-appointment formalities do not entitle them for appointment in Railways, which would be subject to actual number of empanelled candidates appointed to a specified post. The Committee are hopeful that with the aforesaid corrective measure, the apprehension of foul-play or inconsiderate treatment meted out by the Railways to the 'reserve panel' candidates could be mitigated to a larger extent.

Filling up of vacancies from 'reserve panel' candidates

12. While finding that inspite of seeking one time exemption from the Union Cabinet to complete the ongoing process of appointment with the Eighth Pass qualification in respect of open market recruitment to posts in Pay Band-1 (erstwhile Group 'D' posts), the remaining approximately 1021 candidates, after qualifying all the requisite selection parameters, were not considered for appointment, the Committee had recommended the Ministry of Railways (Railway Board) to again prepare a Cabinet Note so that the candidates who were left with no other chance of recruitment in Railways or some other Department being only Eighth Pass and age-barred are considered for employment. The Committee are surprised to note from the action taken reply that though the Ministry of Railways (Railway Board) acknowledge that a lot of expenditure was involved in the recruitment exercise and a large number of unfilled vacancies may also pose threat to safe running of train operations due to which the Union Cabinet approved the Ministry of Railways (Railway Board) proposal for conditional filling up of 47000 posts, yet around 1021 candidates were not considered for appointment *albeit* they were in the 'reserve panel'. The Committee find it unfortunate that when extreme compassion had been shown for empanelling 6146 candidates by conditional relaxing the educational qualification, this could have been easily extended to around 1021 'reserve panel' candidates. Keeping in view the large scale paraphernalia of Indian Railways coupled with their renewed expansion plan, the Committee urge the Ministry of Railways (Railway Board) to re-consider the proposal for preparing a Cabinet Note for appointment of remaining approximately 1021 'reserve panel' candidates to posts in Pay Band-1 (Grade Pay Rs. 1800) (erstwhile Group 'D' posts) in the Central Railway.

NEW DELHI;
30 June, 2017
9 Ashadha, 1939 (Saka)

BHAGAT SINGH KOSHYARI
Chairperson,
Committee on Petitions