

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1994-95)**

(TENTH LOK SABHA)

FORTY-SECOND REPORT

MINISTRY OF PETROLEUM AND NATURAL GAS

**RESERVATION FOR AND EMPLOYMENT OF
SCHEDULED CASTES AND SCHEDULED TRIBES IN
OIL AND NATURAL GAS CORPORATION LIMITED**



सत्यमेव जयते

*Presented to Lok Sabha on 24 March, 1995
Laid in Rajya Sabha on 24 March, 1995*

**LOK SABHA SECRETARIAT
NEW DELHI
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CORRIGENDA TO THE
 FORTY-SECOND REPORT
 OF THE COMMITTEE ON THE
 WELFARE OF SCs/STs

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES
(1994-95)**

Shri Paras Ram Bhardwaj — Chairman

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SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Babu Ram — *Deputy Secretary*

(iii)

INTRODUCTION

1. the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to submit the Report on their behalf, present this Forty-Second Report (Tenth Lok Sabha) on Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation Limited.

2. The Committee took evidence of the representatives of the Ministry of Petroleum and Natural Gas and Oil and Natural Gas Corporation Limited on 17 November, 1994. The Committee wish to express their thanks to the officers of the Ministry of Petroleum and Natural Gas and Oil and Natural Gas Corporation Limited for placing before the Committee material and information the Committee wanted in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 13.1.1995.

4. A summary of conclusions/recommendations contained in the Report is appended.

NEW DELHI;

23 March, 1995
Chairman, 1917 (S)

PARAS RAM BHARDWAJ,
*Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.*

CHAPTER I

INTRODUCTORY

1.1 The erstwhile Oil and Natural Gas Commission was established by an Act of the Parliament on February 1, 1994 in accordance with ONGC (Transfer of Undertaking and Repeal) Act, 1993, The Oil and Natural Gas Commission Act, 1956 stood repealed and the Commission was converted into a Company under the Companies Act, 1956.

1.2 The area of operation of ONGC have been grouped on the basis of geographical proximity into 6 regions besides registered office at Delhi and Hqs. at Dehradun.

Composition of the Board of Directors

1.3 The Composition of the Board of Directors of ONGC is one Chairman-cum-Managing Director, 5 Directors in the field of Personnel, Technical, Operation, Exploration and Finance and three Part-time Directors. One of the Directors in the field of Personnel belongs to Scheduled Caste Community.

1.4 The Committee have been informed that the posts of Functional Directors on the Board of ONGC are filled on the recommendations of Public Enterprises Selection Board (PESB). The recommendation of the PESB is considered in the Ministry and after obtaining the approval of the Appointment Committee of the Cabinet (ACC) the candidate is appointed. Part-time Government Directors are appointed on the Board of ONGC by the Ministry of Petroleum and Natural Gas.

1.5 The Committee find that besides the Chairman-cum-Managing Director, there are five functional Directors and 3 part-time Directors in the Board of Directors of ONGC. The Committee are happy to note that at present one of the five functional Directors of ONGC happens to belong to SC community. The Committee, however, are of the view that the Government should issue necessary guidelines so that in future also at least one person belonging to SC/ST community, having necessary qualification, should be appointed on the Board of Directors of ONGC so that the interest of SC/ST can be taken care of.

CHAPTER II RECRUITMENT

Reservations

2.1 The Committee have been informed that the percentage of reservation made in ONGC is as under:

- (i) Post filled by Direct recruitment, by open competition.
 - (a) 15% for SCs and 7.5% for STs in group 'A' posts.
Group 'B' is promotional posts.
 - (b) Recruitment to posts in Group 'C' & 'D' is made on the 100 points Roster laid down by Government of India for each State where recruitment is made.
 - (c) Reservation for SC/ST has been in force in direct recruitment from the year 1959.
- (ii) Reservation in promotion for SC at 16½ per cent and for ST at 7½ per cent was made upto 1982. Thereafter all the eligible employees are being considered for promotion to next higher grade after putting in certain years of service irrespective of the number of vacancies. This growth oriented promotion policy is on the lines of time-bound promotions scheme as provided by BPE.

Staff Strength and Shortfalls
2.2 The Staff strength of ONGC as on 1.1.1993 was as follows :

Category of post	Total No. of Employees	Number of		Percentage		Shortfalls		Percentage of Shortfalls	
		SCs	STs	SCs	STs	SCs	STs	SCs	STs
GROUP 'A'	12061	799	165	6.6	1.4	1010	740	8.4	6.1
GROUP 'A' Lowest rung in which reservation is provided to SCs/STs	5949	788	260	13.2	4.3	104	188	1.8	3.2
GROUP 'B'	4092	395	113	9.6	2.7	218	193	5.4	4.8
GROUP 'C'	20886	2697	1387	12.9	6.6	435	179	2.1	0.9
GROUP 'D'	4844	790	364	16.3	7.5	•	•	1.3(+)	NIL
GROUP 'D'	272	246	8	90.4	2.9	•	12	75.4(+)	4.6

*(+) Surplus.

2.3 From the statement of staff strength furnished to the Committee, it has been observed that as on 1.1.93 out of 5949 employees in Group 'A', the number of SCs and STs were 788 and 260 respectively; the shortfall being 1.8% and 3.2%. The reasons for this shortfall are stated to be non-availability of adequate number of SC/ST candidates and greater-degree of mobility (Turnover) of SC/ST employees as compared to general category. It was also stated that repeated attempts were made for recruitment under Special Recruitment Drive to reduce the backlog.

2.4 As regards Group 'B' posts (which is stated to be promotional post) the shortfalls of SCs and STs were 5.4% and 4.8% respectively.

2.5 Year-wise Recruitment During the years 1991, 1992 and 1993

Year	Category of posts	Total No. of vacancies	Total No. of vacancies actually filled	No. of vacancies reserved for SCs		No. of vacancies reserved for STs		Number of candidates appointed		Number of vacancies carried forward		
				C/F from pre year	Re-served during the yr.	CP from pre. yr.	Re-served during the yr.	SCs	STs	SCs	STs	
1991	A	651	513	04	188	77	95	172	171	5	21	117
	B	—	—	—	—	—	—	—	—	—	—	—
	C	1357	1345	17	197	11	159	170	202	170	12	0
	D	125	117	06	19	12	26	38	25	3	—	35
1992	A	271	231	21	107	117	14	131	114	105	14	26
	B	—	—	—	—	—	—	—	—	—	—	—
	C	558	516	12	88	0	148	148	77	129	23	19
	D	23	16	—	09	35	01	36	09	02	—	34
1993	A	242	216	14	38	26	23	49	43	32	09	17
	B	—	—	—	—	—	—	—	—	—	—	—
	C	569	544	23	69	19	111	130	80	117	12	13
	D	103	99	—	20	34	06	40	20	09	—	31

NOTE : In Group 'B' though there is no induction level, 20 posts have been filled in, in 1993 in compliance of the orders of SUPREME COURT. Filling up of the backlog against these posts is under process.

. Concessions/Relaxations

2.6 It has been stated that in recruitment the following concessions/relaxations are given to SC/ST candidates in ONGC :

- (i) Age relaxation as laid down by the Government of India from time to time (*i.e.* 5 years at present).
- (ii) Exemption from payment of prescribed fees for application.
- (iii) Rail/Bus fare for attending written test/interviews.
- (iv) Relaxation upto 10% is given to SC/ST candidates at the time of screening of application and for determining to call candidates for written test.
- (v) Relaxation upto 10% is given to SC/ST candidates in qualifying the written examination and deciding to call them for interview.
- (vi) General candidates are required to secure a minimum of 60% in the interviews whereas SC/ST candidates are required to secure only 50% in the interview.
- (vii) Separate interview and assessment by relaxed standards is made for SC/ST candidates.

2.7 The Committee are unhappy to note that as on 1.1.1993 the percentage of shortfall in Group 'A' for SCs and STs was 1.8% and 3.2% respectively and in Group 'B' posts the corresponding percentage of shortfalls was 5.4 and 4.8 respectively. The Committee are also distressed to note that instead of clearing the earlier backlog, the ONGC failed to fill up even the current reserved vacancies.

The plea of ONGC on non-availability of adequate number of SC/ST candidates is hardly convincing. The Committee observe that there was lack of serious efforts on the part of ONGC to recruit adequate number of SC/ST persons to fill-up the shortfall. The Committee, therefore, urge that vigorous efforts should be made by the Corporation to find suitable SC/ST candidates to fill up the shortfall as early as possible.

2.8 The Committee find that various concessions/relaxations are given by the Corporation to SCs/STs at the time of direct recruitment. The Committee would like to draw attention to the instructions issued by the Government of India that if requisite number of SC/ST candidates fulfilling even the relaxed standard are not available to fill up the vacancies reserved for them, the authorities should select for appointment the best among the SCs and STs fulfilling the minimum educational qualification prescribed for the post and give them in-service training within their own office so that the backlog is wiped out.

CHAPTER III PROMOTION

3.1. The Committee were informed that there were two methods of promotion followed in ONGC.

(1) Seniority-cum-fitness and (2) Merit/Promotion by selection:

- (i) Under Seniority-cum fitness promotion all eligible employees are considered for promotion to next higher grade after putting in certain years of service, irrespective of the number of vacancies. This is a growth oriented promotion policy on the lines of the time bound promotion scheme circulated by BPE, *vide* its O.M.No. 6/27/85-BPE (SC/ST Cell) dated 29.6.87. This system of promotions is applicable in Group-A from E-1 to E-4 levels and Group B, C and D.
- (ii) **Merit Criteria (Promotion by selection):** The merit promotions are made on selection basis (promotion by selection) for promotion to all levels in Group A. Under These promotions the eligible candidates are called for interview for selection.

3.2 The Committee were informed that while considering SC/ST employees for promotion under merit criteria they are assessed with relaxed standards.

3.3 When the Committee enquired about the relaxations/concessions given to SC and ST employees while considering them for promotion under 'Merit Criteria', they were informed in a post evidence reply that:—

- (i) Employees belonging to SC/ST category are assessed with relaxed standards for selection at 40% of marks in interview as against 60% marks for general candidates.
- (ii) Management has given a relaxation of 1.5 marks in the cut off marks to SC/ST employees *vis-a-vis* general candidates from Executive 1 grade to Executive 2 grade (80 marks for SC/ST employees as against 81.5 marks for general candidates).

3.4 Asked to state whether time-bound promotions which are being implemented in ONGC is in accordance with the Government instructions, the representative of ONGC stated during evidence:—

"Yes Sir, it is in accordance with the Government of India instructions issued on 29th June, 1987."

3.5 The Committee pointed out that it has been stated by ONGC that reservation in promotion for SC at 16.2/3 percent and for ST at 7.1/2 percent was made upto 1982. Thereafter all the eligible employees are

being considered for promotion to next higher grade after putting in certain years of service irrespective of the number of vacancies. However, the growth-oriented promotion policy which is on the lines of time-bound promotions was issued in 1987. It is implied that from 1982 to 1987 no reservation facility in promotion was provided to SCs and STs in ONGC.

3.6. As regards the reservations in promotion to SCs and STs *vis-a-vis* time bound promotions in ONGC the representative of ONGC stated during evidence that:—

“ We are adopting a policy which is more liberal than that is provided in the Constituion. As per the reservation policy (earlier one) in promotion all SC/ST candidates in the zone of consideration cannot be promoted due to limitation of vacancies where as under the career Growth Scheme of ONGC all of them will get promotion unless any one of them is found unfit for promotion.”

3.7 The Committee pointed out that if SC/ST candidates were eligible for promotion they were under nobody's obligation and reservation means they have to be accommodated in view of their social, political and economic background. It is the Constitution which is more important than the Government instructions.

In this connection the witness elaborated:—

“Government of India has instructed to ONGC to follow Career Growth Policy (akin to time bound promotion system) as per their instruction during 1987. However, the point raised by the Hon'ble Member will be re-examined.”

3.8 The Committee enquired whether any complaint was received by the Management from SC/ST Employees Association regarding discrimination while giving promotion under merit criteria method. It was informed that grievances were received from SC/ST employees, both individually as well as through their Association regarding non-selection despite being covered under the zone of vacancies merit criteria (from E2 to E3 and E3 to E4).

3.9 When asked whether Annual C. Rs. of all employees including SCs/STs were taken into account while considering for promotion to next higher grade, the witness replied in affirmative.

3.10 On being asked whether adverse ACR remarks were being properly communicated to SC/ST employees who were denied promotion on this account, the Committee were informed that adverse remarks in ACR were being communicated except in Class III and Class IV posts unless approved by the Regional Directors and in the case of Executive by the Executives. This system was being followed to minimize the changes of discriminatory writing of ACRs of SC/ST employees by the Reporting/ Reviewing officers.

3.11 The Committee note that there are two methods of promotions in ONGC (i) Seniority-cum-fitness (time-bound) and (ii) Merit Criteria

(promotion by selection). The Committee also note that in ONGC for promotions under seniority-cum-fitness (time-bound) promotions scheme, no relaxation/concessions is envisaged for SCs/STs. While considering the SC/ST employees for promotion under 'Merit Criteria' they are however, assessed with relaxed standards. The Committee find that reservation in promotion for SCs and STs at the percentage of 16.2/3 and 7.1/2 respectively was made upto 1982. The seniority-cum-fitness (time-bound) scheme of promotion is stated to have been introduced in ONGC from June, 1987. But nothing has been mentioned about reservation between the period from 1983 to 1987 (May). The Committee take a serious view of this lapse on the part of the Ministry and ONGC.

The Committee regret to note that there is no relaxation in the qualifying period of service for SCs/STs under seniority-cum-fitness (time-bound) method. Consequently SC/ST employees are deprived of the benefits of reservations under this promotion criteria. The Committee, therefore, recommend that the Ministry of Petroleum and Natural Gas should provided reservation to SCs/STs in promotion both under the time-bound (seniority-cum-fitness) policy and merit criteria by relaxing the qualifying period of service in ONGC.

3.12 The Committee have observed that the Management of ONGC has received complaints from the SC/ST employees Association about discrimination with SCs/STs while making promotion on merit criteria. They have been informed that Annual Confidential Reports of all employees including SC/ST are taken into account while giving them promotions. But the Committee are surprised to find that adverse remarks in ACRs are not being communicated to SC/ST employees of Class III and Class IV posts unless approved by the Regional Directors and in case of Executive posts, by the concerned Executives. The Committee recommend that keeping in view the fact that ACRs are taken into account for promotion, the adverse remarks should invariably be communicated to the SC/ST employees in ONGC, even without approval by the Regional Directors/concerned Executives.

CHAPTER IV ROSTERS

4.1. The Committee were informed that the rosters were being maintained in ONGC for direct recruitment since 1973. However, the rosters for promotion were not maintained as no reservation was provided in promotions due to time bound promotion scheme being followed in ONGC.

4.2 When asked how often the rosters were inspected by the Liaison Officers in the Ministry during the last three years, it was stated that the Liaison Officer of the Ministry had not been able to inspect the reservation rosters of ONGC. However in post evidence information it was stated that Liaison Officer of the Ministry had inspected the rosters during 1994 at two Regions *i.e.* BRBC, Bombay on 9.12.1994 and SRBC, Madras on 10.12.1994.

4.3 During the course of evidence when asked to state whether any irregularities were found in the maintenance of rosters, the witness replied:—

“ Sir, by and large, the rosters are maintained properly. There are, of course, some shortcomings which I have pointed out in the Report. As soon as I completed the inspection, I had sent my Report to the Chairman of the Company for taking remedial action. Generally, the rosters are maintained in a proper way.”

Training Abroad.

4.4 On a query about the number of employees sent for training abroad and SCs/STs among them during the last three years, the Committee were informed that the details of such employees were as under:—

Year	Total No. of persons	SC/ST
1991-92	8	1
1992-93	19	2
1993-94	43	7

4.5 As regards the basis of sending persons abroad for specialised training it was stated that the employees were selected on the basis of their qualifications, expertise in the line and the suitability of the employee to assimilate the training and to utilise it for the benefit of the organisation. In the cases where new equipment were purchased/new technology was adopted, the employees who were to operate the equipment/technology after installation were selected/carmarked/identified for training abroad.

4.6 The Committee enquired whether any complaints were received from SC/ST Employees Association in regard to candidates sent abroad for training, if so, the details thereof. In reply it was stated that the SC/ST Association had been pointing out that adequate representation was not being given to SC/ST employees while sending the employees for training abroad. The Management informed the Association that since criteria for selection for training abroad was based on a number of factors, the suitable employees were being sent. The trend of SC/ST employees' representation was however increasing and they were making efforts to achieve better representation of SC/ST employees keeping in view the spirit of the guidelines of the Government of India.

Complaint Grievances

4.7 The Committee were informed that the grievances of SC/ST were examined at various levels and remedial action taken as per the existing rules of the Corporation. The SC/ST Cell at Headquarters, Dehradun maintains a register of complaints of SC/ST employees. During last 3 years (1991-93) 122 complaints were recorded in all.

The Committee desired to know about the nature of complaints. In reply, it was stated that the complaints mainly pertain to promotions and transfers.

4.8 The Committee have been informed that rosters are being maintained in ONGC for direct recruitment since 1973. They have also been informed that rosters for promotion are not maintained as no reservation is provided in promotions. The Committee have noted that the Liaison Officer of the Ministry has not inspected the reservation rosters of ONGC. However in a post evidence information the Ministry have stated that Liaison Officer of the Ministry has inspected the rosters during 1994 at two regions. In view of the Committee's recommendation *vide* para 3.11 above that reservation should be provided for promotions. The Committee recommend that rosters should be properly maintained in ONGC both for recruitment and promotions and the same should be periodically inspected by the Liaison Officer of the Ministry in future.

4.9 The Committee have been informed that during the years 1991, 1992 and 1993 the number of persons sent abroad for training were 8, 19 and 43 out of which the SC/ST persons were 1, 2 and 7 respectively. The Committee note that the SC/ST Association had been pointing out that adequate representation is not being given to SC/ST employees while sending the employees for training abroad. The Committee, therefore, recommend that adequate number of SC/ST persons should also be sent abroad for specialised training in future.

4.10 The Committee note that the grievances of SC/ST employees are examined at various levels and remedial action taken as per the existing rules of the Corporation. It has been stated that during the last three years, 122 complaints were recorded in ONGC. The Committee are distressed to note that 80% of the complaints are pertaining to 'promotions' and the remaining to 'transfers'. The Committee recommend that ONGC should take corrective measures so that the complaints of SC/ST candidates are reduced to the minimum especially in respect of 'promotions' and 'transfers'.

NEW DELHI;
23 March, 1995

2 Chaitra, 1917(S)

PARAS RAM BHARDWAJ,
Chairman,
Committee on the Welfare of
Scheduled Castes and Scheduled Tribes.

APPENDIX

(Vide Para 4 of Introduction)

(Summary of Conclusions/Recommendations contained in the Report)

Sl. No.	Para No. of the Report	Recommendation
1	2	3
1	1.5	<p>The Committee find that besides the Chairman-cum-Managing Director, there are five functional Directors and 3 part-time Directors in the Board of Directors of ONGC. The Committee are happy to note that at present one of the five functional Directors of ONGC happens to belong to SC community. The Committee however, are of the view that the Government should issue necessary guidelines so that in future also at least one person belonging to SC/ST community having necessary qualification, should be appointed on the Board of Directors of ONGC so that the interest of SC/ST can be taken careof.</p>
2	2.7	<p>The Committee are unhappy to note that as on 1.1.1993 the percentage of shortfall in Group 'A' for SCs and STs was 1.8% and 3.2% respectively and in Group 'B' posts the corresponding percentage of shortfalls was 5.4 and 4.8 respectively. The Committee are also distressed to note that instead of clearing the earlier backlog, the ONGC failed to fill-up even the current reserved vacancies.</p> <p>The plea of ONGC of non-availability of adequate number of SC/ST candidates is hardly convincing. The Committee observe that there was lack of serious efforts on the part of ONGC to recruit adequate number of SC/ST persons to fill-up the shortfall. The Committee, therefore, urge that vigorous efforts should be made by the Corporation to find suitable SC/ST candidates to fill-up the shortfall as early as possible.</p>
3	2.8	<p>The Committee find that various concessions/relaxations are given by the Corporation to SCs/STs at the time of direct recruitment. The Committee would like to draw attention to the instructions issued by the Government of India that if requisite number of SC/ST</p>

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candidates fulfilling even the relaxed standard are not available to fill-up the vacancies reserved for them, the authorities should select for appointment the best among the SCs and STs fulfilling the minimum educational qualification prescribed for the post and give them in-service training within their own office so that the backlog is wiped out.

4 3.11 The Committee note that there are two methods of promotions in ONGC (i) Seniority-cum-fitness (time-bound) and (ii) Merit Criteria (promotion by selection). The Committee also note that in ONGC for promotions under seniority-cum-fitness (time-bound) promotions scheme, no relaxation/concessions is envisaged for SCs/STs. While considering the SC/ST employees for promotion under 'Merit Criteria' they are however, assessed with relaxed standards. The Committee find that reservation in promotion for SCs and STs at the percentage of 16.2/3 and 7.1/2 respectively was made upto 1982. The seniority-cum-fitness (time-bound) scheme of promotion is stated to have been introduced in ONGC from June, 1987. But nothing has been mentioned about reservation between the period from 1983 to 1987 (May). The Committee take a serious view of this lapse on the part of the Ministry and ONGC. The Committee regret to note that there is no relaxation in the qualifying period of service for SCs/STs under seniority-cum-fitness (time-bound) method. Consequently SC/ST employees are deprived of the benefits of reservation under this promotion criteria. The Committee, therefore, recommend that the Ministry of Petroleum and Natural Gas should provide reservation to SCs/STs in promotion both under the time-bound (seniority-cum-fitness) policy and merit criteria by relaxing the qualifying period of service in ONGC.

5 3.12 The Committee have observed that the Management of ONGC has received complaints from the SC/ST employees Association about discrimination with SCs/STs while making promotion on merit criteria. They have been informed that Annual Confidential Reports of all employees including SC/ST are taken into account while giving them promotions. But the Committee are surprised to find that adverse remarks in ACRs are not being communicated to SC/ST employees of Class III and Class IV posts unless approved by the Regional Directors and in case of Executive posts, by the concerned Executives. The Committee recommend that keeping in view that fact that

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ACRs are taken into account for promotion, the adverse remarks should invariably be communicated to the SC/ST employees in ONGC, even without approval by the Regional Directors/concerned Executives.

- 6 4.8 The Committee have been informed that rosters are being maintained in ONGC for direct recruitment since 1973. They have also been informed that rosters for promotion are not maintained as no reservation is provided in promotions. The Committee have noted that the Liaison Officer of the Ministry has not inspected the reservation rosters of ONGC. However in a post evidence information the Ministry has stated that Liaison Officer of the Ministry has inspected the rosters during 1994 at two regions. In view of Committee's recommendation *vide* para 3.11 above that reservation should be provided for promotions. The Committee recommend that rosters should be properly maintained in ONGC both for recruitment and promotions and the same should be periodically inspected by the Liaison Officer of the Ministry in future.
- 7 4.9 The Committee have been informed that during the years 1991, 1992 and 1993 the number of persons sent abroad for training were 8, 19 and 43 out of which the SC/ST persons were 1, 2 and 7 respectively. The Committee note that the SC/ST Association had been pointing out that adequate representation is not being given to SC/ST employees while sending the employees for training abroad. The Committee, therefore, recommend that adequate number of SC/ST persons should also be sent abroad for specialised training in future.
- 8 4.10 The Committee note that the grievances of SC/ST employees are examined at various levels and remedial action taken as per the existing rules of the Corporation. It has been stated that during the last three years, 122 complaints were recorded in ONGC. The Committee are distressed to note that 80% of the complaints are pertaining to 'promotions' and the remaining to 'transfers'. The Committee recommend that ONGC should take corrective measures so that the complaints of SC/ST candidates are reduced to the minimum especially in respect of 'promotions' and 'transfers'.
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