

**THIRTY-FIRST REPORT
COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

MINISTRY OF STEEL

(Presented to Lok Sabha on 28.03.2022)



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ANNEXURE

Minutes of the 19th sitting of the Committee on Petitions held on 22.12.2021. *(Not enclosed)*

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Dr. Sukanta Majumdar
5. Shri Sanjay Sadashivrao Mandlik
6. Shri P. Ravindhranath
7. Shri Brijendra Singh
8. Shri Sushil Kumar Singh
9. Shri Manoj Tiwari
10. Shri Prabhubhai Nagarbhai Vasava
11. Shri Rajan Vichare
12. Vacant
13. Vacant
14. Vacant
15. Vacant

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director
4. Shri Harish Kumar Sethi - Executive Officer

THIRTY-FIRST REPORT OF THE COMMITTEE ON PETITIONS (SEVENTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee, present on their behalf this Thirty-First Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Seventeenth Lok Sabha) in their Nineteenth Report on the representation of Shri Swapan Das & others of Rourkela Steel Plant Widows' Association regarding welfare of legal heirs of deceased workers of Rourkela Steel Plant (RSP).

2. The Committee considered and adopted the draft Thirty-First Report at their sitting held on 22 December, 2021.

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

NEW DELHI;

HARISH DWIVEDI,
Chairperson,
Committee on Petitions.

22 December, 2021

1 Pausha, 1943 (Saka)

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SEVENTEENTH LOK SABHA) IN THEIR NINETEENTH REPORT ON THE REPRESENTATION OF SHRI SWAPAN DAS & OTHERS OF ROURKELA STEEL PLANT WIDOWS' ASSOCIATION REGARDING WELFARE OF LEGAL HEIRS OF DECEASED WORKERS OF ROURKELA STEEL PLANT (RSP).

The Committee on Petitions (Seventeenth Lok Sabha) presented their Nineteenth Report to Lok Sabha on 22 March, 2021 which had dealt with a representation of Shri Swapan Das & others of Rourkela Steel Plant Widows' Association regarding welfare of legal heirs of deceased workers of Rourkela Steel Plant (RSP).

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Steel were asked to implement the recommendations and furnish their action taken replies thereon for further consideration of the Committee.

3. Action Taken Replies have been received from the Ministry of Steel *vide* their Office Memorandum No.S-29012(2)/2021-SAIL dated 17 September, 2021 in respect of all the observations/recommendations contained in the aforesaid Report.

4. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Steel are detailed in the succeeding paragraphs.

5. In paras 22 to 25 of the Report, the Committee had observed/ recommended as follows:-

"Policies/Guidelines to safeguard the dependent family members of the deceased workers for providing hassle-free appointments on compassionate grounds"

The Committee on Petitions, Lok Sabha while examining the representation received from Shri Swapan Das & others of Rourkela Steel Plant Widows' Association, regarding welfare of legal heirs of deceased workers of Rourkela Steel Plant (RSP) find that instant case is almost 25 years old. Earlier, the widows/dependents of ex-employees of RSP also represented before the Parliamentary Standing Committee on Labour. The entire issue was examined by the Committee on Labour during the year 2012 and oral evidence of the Ministry of Steel/SAIL was taken by the Committee on 2.5.2012 and 23.8.2012 for favourably considering the case of all the 18 dependants of deceased family members for giving appointment on compassionate grounds. At that time, it was *inter alia* informed to the Committee on Labour that it would not be possible to provide employment to these dependents, but possibility would be explored for covering the eligible cases under the Employees' Family Benefit Scheme (EFBS). Accordingly, the proposal for extending the benefit of EFBS to 15 eligible dependents of ex-employees of Rourkela Steel Plant was recommended by the Committee on Remuneration and HR of the SAIL Board, in its meeting, held on 1.8.2012, as a special case, subject to withdrawal of Court Cases. Subsequently, the said proposal was approved by the SAIL Board in its 390th meeting held on 12.2.2013. However, due to certain administrative delays, the proposal for extending the benefit of EFB Scheme did not fructify.

The Committee further note from the submissions made by SAIL/RSP that with a view to ensuring uniformity in the matter of providing employment on compassionate grounds, uniform Guidelines were issued by SAIL Corporate Office for its adoption by the Plants/Units. The said Guidelines were implemented in Rourkela Steel Plant w.e.f., 1.9.2011 and the earlier Scheme prevalent at RSP w.e.f., 22.11.1992 was dispensed with. As a matter of fact, there were certain conditions/stipulations of coverage in the Guidelines/Rules framed from time to time for providing employment on compassionate grounds. The Committee also note that with an objective of providing relief/benefit to dependent family members of the employees in cases of death, permanent total disablement and medical invalidation, RSP has been following the Guidelines of compassionate employment consistently and uniformly in line with the Corporate Policy applicable for all SAIL Plants/Units across the Country from 01.09.2011 and the extant policy

has further increased the coverage of medical invalidations due to debilitating diseases. SAIL/RSP has started providing employment to the eligible dependents of Contract Labourers who die in accidents arising out of and in the course of employment inside the Plant. The compassionate employment policy has evolved with the changing business environment and various judicial pronouncements. During the last five years, RSP has considered giving appointment to 174 persons on compassionate grounds.

The Committee observe that the aspect of providing employment on compassionate grounds to the family members of the deceased employees is not being looked after by SAIL/RSP Management with the desired level of compassion, perhaps, due to self-devised intricate terms and conditions of the old as well as the new Policy, Guidelines, etc. The Committee, therefore, strongly recommend the Ministry of Steel to initiate a time-bound quick study, in consultation with the Department of Personnel & Training, to assess the impact of their Policy/ Guidelines in providing employment on compassionate grounds, particularly, in the context of their subsistence in the absence of any permanent employment and fragile financial condition.

The Committee also recommend the Ministry of Steel to render all possible assistance to the Steel Authority of India Limited to find out easy, flexible and hassle-free mechanism for providing compassionate appointments to the family members of their deceased employees to obviate recurrence of such prolonged impasse in future."

6. The Ministry of Steel, in their action taken replies, have submitted as under:-

"SAIL being a Maharatna company has been delegated of powers as per guidelines laid down vide D/o Public Enterprises (DPE) OM No. 22(1)/2009-GM dated 4.2.2010 (Annexure-I). In DOPT O.M No. 41013/1/2013-Estt. (D) dated 25.03.2013 related to recommendation of Department related Parliamentary Standing Committee on Compassionate Employment, the following is mentioned:-

Department of Public Enterprises vide their letter no. 2(63)07-DPE(GM) dated 11th March 2008 informed the Committee that Vittal Committee has reviewed the guidelines issued by them in the matter of compassionate appointment. CPSEs were given autonomy to frame their own guideline on compassionate appointment keeping in view their operational/business requirements.

As per the recommendation of the Hon'ble Committee, the issue of employment on compassionate grounds to the family members of the deceased employees has been re-examined in consultation with DPE, the nodal Department concerned with the matters pertaining to CPSEs. DPE vide their O.M.No. DPE-GM-12/0004/2019-FTS -10562 dated 30/31.08.2021 have informed that they have not issued any guidelines for compassionate appointments in CPSEs. Further, recruitment to the post below Board Level falls under the purview of the management of the respective CPSE as per their Human Resource Policy".

7. In paras 26 to 31 of the Report, the Committee had observed/ recommended as follows:-

"Extending the facility of Employees' Family Benefit Scheme (EFBS) to the dependent family members of the deceased workers

The Committee note from the submissions made by the Ministry of Steel that the Employees' Family Benefit Scheme (EFBS) is being operated by RSP/SAIL in their establishments. The objective of the Scheme is to provide monetary benefit to an employee in case of permanent total disablement and to his family in case of his death while in service of the Company. The Scheme cover all regular employees including the employees recruited as Management Trainees in the Executive as well as Non-Executive Cadre(s). Besides, the employees who suffer permanent disablement are also eligible for the benefit under this Scheme.

The Committee also find that this Scheme is in operation in RSP/SAIL with effect from 1.1.1989. In cases of death/permanent total disablement which have occurred from 1.1.1989 till the date, the Scheme has been notified, a period of six month will be allowed to the nominee/employee as

the case may be, to deposit the Provident Fund and Gratuity dues in case he/she opts for the Scheme. On the separation of an employee from the service of the Company on account of death or permanent total disablement, his nominee or the employee, as the case may be, on depositing with the Company the entire Provident Fund and gratuity amounts of the employee, would be entitled to a monthly payment equivalent to his basic plus Dearness Allowance last drawn as per the Scheme. Such monthly payment shall continue till the normal date on which the employee concerned would have attained the age of superannuation, had the employee been in the service of the Company. In some cases, if an employee has withdrawn money from the Provident Fund or decide to retain a part of his Provident Fund accumulated deposit(s) to meet the family commitments, the monthly payment admissible under Clause 4.1 of the Scheme would be proportionately reduced. Alternately, such employee or his nominee as the case may be, may make good the shortfall resulting from withdrawals by depositing the difference to get full benefit under the Scheme. However, this option is made available to the employee only at the initial stage, i.e., at the time of opting for this Scheme. The employee/nominee are required to deposit the Provident Fund and Gratuity amounts, in one lump sum, with the Company within a maximum period of six months from the date of permanent total disablement/death. On the notional date of superannuation of the separated employee, the monthly payments under this Scheme would cease and the amount deposited with the Company under the Scheme would be refunded to the employee or his/her nominee, as the case may be. Under the scheme, no interest on the Provident Fund and Gratuity deposits will be admissible for the period of deposit(s). If the employee/nominee desires to permanently withdraw the Provident Fund and Gratuity amount deposited with the Company under the Scheme at any point of time, he/she will be allowed to do so. In such cases, the employee/nominee would cease to receive the benefit, from the date of such withdrawal under the Scheme and also not be entitled to any other benefit, whatsoever. No partial withdrawal of the Provident Fund and Gratuity amount deposited with the Company would be allowed. The employee/nominee will get the benefit under this Scheme shall be one of the nominees under the Provident Fund Rules. An employee separated on account of permanent total disablement and joining the Scheme, shall himself draw the amount under the Scheme notwithstanding any nomination made by him. In the event of his death

prior to the normal date of Superannuation, then his/her nominee shall receive the benefit under the Scheme. In the absence of nomination, under the Scheme, the nomination made by the employee for the purpose of payment of Provident Fund dues would be treated as the nomination under this Scheme. In case of more than one nominee, the first nominee would be taken as 'nominee' for the Scheme. In case nomination of Provident Fund is also not given, then the impasse of nomination would be resolved as done in case of Provident Fund. The nominee of the deceased employee would be required to nominate another person who will receive the benefit under the Scheme in the event of his/her death. In the event of the nominee pre-deceasing the employee, the employee will be required to make a fresh nomination.

The Committee also note that each Plant/Unit shall supervise the administration and operation of the Scheme so far as it relates to their employees through a Committee headed by the Head of Personnel Department of the Plant/Unit with a representative each from Finance and Operation Divisions. The deposits under the Scheme shall be made by the employee/nominee, as the case may be, by an Account payee Cheque/Bank Draft along with an application on the prescribed format. Alternately, with the concurrence of the concerned Provident Fund Trust, on due settlement of his account with them, the amount could be directly transferred by the Trust and similarly the Gratuity amount would be got transferred from the Plant/Unit for deposit under the Scheme by a 'Letter of Authority' by the concerned employee/nominee. Plant/Unit would issue a receipt for the deposit(s) made by the employee or his nominee, as the case may be. So far, 1561 dependants of the deceased employees have opted for the benefit offered under the Employees' Family Benefit Scheme of the Steel Authority of India Limited.

The Committee further note that in cases where the dependent of deceased employee is not eligible for compassionate employment, he/she has the option of joining the EFBS which ensures that the last drawn salary of the deceased employees is paid to the dependent subject to fulfillment of certain conditions.

The Committee also find that considering the observations of Parliamentary Standing Committee on Labour, though the proposal for extending the EFB Scheme to the dependents of 15 deceased

employees of RSP was approved by the SAIL/RSP, this benefit could not be extended to them, primarily, due to lapse of the prescribed period of six months for availing this special benefit.

The Committee are satisfied that on the behest of the Committee on Petitions, Lok Sabha, the aspect of extending the benefit under the EFB Scheme has now been extended to all the eligible dependents as a special and one time dispensation by the SAIL Board in its 478th meeting held on 29.1.2021. However, the Committee recommend the Ministry of Steel to ensure that a 'Special Committee' consisting of senior officials of RSP/SAIL be constituted to ensure that all these dependents are now extended the benefit of this Scheme in a time bound manner. In case, the dependents have any financial distress due to prolonged litigation and are not in a condition to deposit the initial amount as required under the Scheme, some practical way out be devised to overcome this impasse."

8. The Ministry of Steel, in their action taken replies, have submitted as under:-

"SAIL has informed that in pursuance of the directive of Hon'ble Committee of Petitions, the benefit under Employees' Family Benefit Scheme (EFBS) as submitted before Hon'ble Committee, has been offered to the eligible dependents for them to opt/enroll, as a special and one time dispensation and not be cited as precedence. Response from eligible dependents is awaited. Further, as per the recommendation of Hon'ble Committee, in the instant case, a Special Committee comprising of the following Senior Officials has been constituted to address the issues:-

- | | | |
|-------|----------------------|------------------------------|
| (i) | Shri Rajendra Misra, | CGM (Pers. & Administration) |
| (ii) | Shri P Nigam, | CGM I/c (F&A) |
| (iii) | Shri P.P. Mohapatra, | GM I/c (Law) |

The final outcome will be submitted to Hon'ble Committee.

It is also submitted for information of Hon'ble Committee that the case filed by petitioners, Shri Swapan Das before Central Administrative Tribunal (CAT) Cuttack Bench, Case No TA No. 20 of 2015 Swapan

Kumar Das Vs. SAIL and others has been dismissed vide Order dated 09/07/2021. The Hon'ble Tribunal has found the Original Application (OA) as devoid of merit, copy of order of Hon'ble Tribunal is at Annexure - II."

OBSERVATIONS/RECOMMENDATIONS

Policies/Guidelines for providing appointments on compassionate grounds in a time bound manner

9. The Committee, while examining the representation of Shri Swapan Das & others of Rourkela Steel Plant Widows' Association regarding welfare of legal heirs of deceased workers of the Rourkela Steel Plant (RSP), had observed that the aspect of providing employment on compassionate grounds to the family members of the deceased employees is not being looked after by SAIL/RSP Management with the desired level of compassion, perhaps, due to self-devised intricate terms and conditions of the old as well as the new Policy, Guidelines, etc. The Committee had, therefore, recommended the Ministry of Steel to initiate a time-bound quick study, in consultation with the Department of Personnel & Training, to assess the impact of their Policy/Guidelines in providing employment on compassionate grounds, particularly, in the context of their subsistence in the absence of any permanent employment and fragile financial condition. The Committee had also recommended the Ministry of Steel to render all possible assistance to the Steel Authority of India Limited to find out an easy, flexible and hassle-free mechanism for providing compassionate appointments to the family members of their deceased employees to obviate recurrence of such prolonged impasse in future.

10. In response to the Committee's above recommendations, the Ministry of Steel, in their action taken reply, have submitted that SAIL, being a Maharatna Company, has been delegated powers as per the

Guidelines laid down by the Department of Public Enterprises (DPE) vide OM No. 22(1)/2009-GM dated 04.02.2020 and the Central Public Sector Enterprises were given autonomy to frame their own Guidelines on compassionate appointment keeping in view their operational/business requirements. Accordingly, the issue of employment on compassionate grounds to the family members of the deceased employees has been re-examined in consultation with the Department of Public Enterprises which, in turn, have informed that they have not issued any Guidelines for compassionate appointments in CPSEs. Further, recruitment to the post below Board Level falls under the purview of the management of the respective CPSE as per their Human Resource Policy.

11. The Committee are astonished to note that the Ministry of Steel have not taken any concrete steps for implementing the recommendations made by the Committee on Petitions, Lok Sabha which was centered towards initiating a time-bound quick study, in consultation with the Department of Personnel & Training, to assess the impact of their Policy/Guidelines in providing employment on compassionate grounds and to render all possible assistance to the Steel Authority of India Limited to find out an easy, flexible and hassle-free mechanism for providing compassionate appointments to the family members of their deceased employees. On the contrary, the Ministry of Steel have merely reiterated the statutory position of the CPSEs in regard to the Guidelines for compassionate appointments.

12. The Committee, therefore, while re-emphasizing their earlier recommendation, would like to impress upon the Ministry of Steel to take

up the suggestions made by the Parliamentary Committee with all seriousness and intimate the action taken by them. Merely, referring to the extant Policy/Guidelines, without any actionable outcome, appears to be an indication that the Authorities concerned have scant regard for the Parliamentary Committee(s). In this context, the Committee also wish to remind the Ministry that the scope of their examination of petitions/representations finally ends in ventilating the grievances of public at large by providing them some relief, especially in view of the fact that before approaching the Committee on Petitions, Lok Sabha the petitioners/representations had exhausted all the available channels, including the highest Authorities of the Organisation concerned. The Committee, therefore, desire that no further delay on the part of Ministry of Steel would occur in at least formulating a Plan for implementing the relevant recommendation. The Committee would like to be apprised of the steps taken in this regard.

Extending the benefit of EFBS to the dependents of the deceased family members

13. The Committee on Petitions, while probing the issue(s) raised in the representation of Shri Swapan Das & others of Rourkela Steel Plant Widows' Association, had expressed their concern that the benefit under the EFB Scheme had not been extended to all the eligible dependents. The Committee had, therefore, recommended the Ministry of Steel to constitute a 'Special Committee' consisting of senior officials of RSP/SAIL to examine the intricate issue of extending the said benefit to all such dependents in a time bound manner. The Committee also recommended

that in case, the dependents have any financial distress due to prolonged litigation and are not in a condition to deposit the initial amount as required under the Scheme, some practical way out should be devised to overcome this difficulty.

14. The Ministry of Steel, in their action taken reply, have submitted that the benefit under the Employees' Family Benefit Scheme has been offered to the eligible dependents to opt/enroll, as a special and one time dispensation and not be cited as precedence. It has also been submitted before the Committee that response from eligible dependents is awaited. Further, in compliance to the recommendation of the Committee, a Special Committee comprising of the following Senior Officials has been constituted by the Ministry of Steel to address the issue(s):-

- (i) Shri Rajendra Misra CGM (Pers. & Administration)
- (ii) Shri P Nigam Chief General Manager In-charge (F&A)
- (iii) Shri P.P. Mohapatra General Manager In-charge (Law)

15. The Committee are happy to note that at their behest, the relevant recommendation has been complied with and the eligible dependents of the deceased family members have been offered the benefit under the Employees' Family Benefit Scheme, as a special case. However, the Committee urge the Ministry of Steel to not only expedite the enrolment of dependents to this Scheme after fulfilling all the requisite formalities but also make sure that the affected persons should be offered monetary assistance as per rules, to deposit the initial amount as required under the

Scheme. The Committee would like to be apprised of the action taken by the Government in this regard .

NEW DELHI;
22 December, 2021
1 Pausha, 1943 (Saka)

HARISH DWIVEDI,
Chairperson,
Committee on Petitions