

THIRTY SIXTH REPORT
COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

MINISTRY OF COAL
MINISTRY OF HOME AFFAIRS
MINISTRY OF RAILWAYS

(Presented to Lok Sabha on 5.12.2007)



LOK SABHA SECRETARIAT
NEW DELHI

December, 2007/Agrahayana, 1929 (Saka)

CB-1 No. 336 Vol. XXXVI

THIRTY SIXTH REPORT

COMMITTEE ON COMPETITIONS

(FOR THE LOK SABHA)

MINISTRY OF COAL

Price: Rs. 37.00

MINISTRY OF HOME AFFAIRS

MINISTRY OF RAILWAYS

(Government of India)



LOK SABHA SECRETARIAT

© 2007 BY LOK SABHA SECRETARIAT.

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Twelfth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi.

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
1. INTRODUCTION.....	(v)
2. REPORT	
I. Representation from Shri Subhash Singh, Burdwan, West Bengal requesting to take action against the officers of BCCL for not clearing cases of appointment on compassionate grounds	1
II. Representation from Shri Khilar Singh Tanwar requesting to take action against the officers of Delhi Police for tempering with the investigation of a case	16
III. Representation from Smt. Saraswati Devi, Widow of a soldier requesting for allotment of a shop at Ekma Railway Station, Bihar	21
3. ANNEXURES	
I. Minutes of the Thirty-fourth sitting of the Committee held on 31.03.2006	26
II. Minutes of the Fifty-fifth sitting of the Committee held on 03.04.2007	28
III. Minutes of the Seventieth sitting of the Committee held on 04.12.2007	30

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Shingada Damodar Barku
3. Shri Nandkumar Singh Chauhan
4. Shri N.S.V. Chitthan
5. Shri Anant Gangaram Geete
6. Shri Mohan Jena
7. Shri Wangyuh W. Konyak
8. Shri C. Kuppusami
9. Adv. Suresh Kurup
10. Shri Dharmendra Pradhan
11. Kunwar Jitin Prasada
12. Shri Kishan Singh Sangwan
13. Shri Jyotiraditya Madhavrao Scindia
14. Shri Mansukhbhai Dhanjibhai Vasava
15. Shri Paras Nath Yadav

SECRETARIAT

1. Shri M. Rajagopalan Nair — *Additional Secretary*
2. Shri P.K. Grover — *Joint Secretary*
3. Shri A.K. Singh — *Director*
4. Shri U.B.S. Negi — *Deputy Secretary-I*
5. Shri H.R. Kamboj — *Deputy Secretary-II*
6. Shri V.P. Gupta — *Under Secretary*

THIRTY SIXTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Thirty Sixth Report of the Committee to the House on the following representations:—

- (i) Representation from Shri Subhash Singh, Burdwan, West Bengal requesting to take action against the officers of BCCL for not clearing cases of appointment on compassionate ground.
- (ii) Representation from Shri Khilar Singh Tanwar requesting to take action against the officers of Delhi Police for tempering with the investigation of a case.
- (iii) Representation from Smt. Saraswati Devi, widow of a soldier requesting for allotment of a shop at Ekma Railway Station, Bihar.

2. The Committee considered and adopted the draft Thirty Sixth Report at their sitting held on 4th December, 2007.

3. The Observations/Recommendations of the Committee on the above representation have been included in the report.

NEW DELHI;
04 December, 2007
13 Agrahayana, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

CHAPTER I

REPRESENTATION FROM SHRI SUBHASH SINGH, BURDWAN, WEST BENGAL REQUESTING TO TAKE ACTION AGAINST THE OFFICERS OF BCCL FOR NOT CLEARING CASES OF APPOINTMENT ON COMPASSIONATE GROUNDS

1.1 The Committee on Petitions received a representation dated 06.11.2005 from Shri Subhash Singh, General Secretary, Janta Dal (United), Burdwan, West Bengal stating that as per the National Coal Wage Agreement one of the dependants of the deceased employee has the right of employment in a Coal Company. He stated that 95% of the deceased workers of the various coalfields of Bharat Coking Coal Limited (BCCL) belong to Backward class and Scheduled Tribes. During their service period, they are afflicted with various diseases and they die for want of medical treatment. These workers have to work in a very polluted and unhealthy environment that is why the rate of mortality amongst workers is quite high. Due to this reason National Coal Wage Agreement has a provision for appointment of one of the dependants of the deceased employee in the company. However, the petitioner alleged that the officers of BCCL in the personnel department creates hurdle and do not clear the files for compassionate appointment on the pretext or the other-unless these officers are bribed. The petitioner, therefore, requested that cases of appointment on compassionate grounds of the deceased employees in BCCL may be expedited. He also requested that action may be taken against the officers of BCCL who were delaying the cases of appointment on compassionate grounds.

1.2 The Committee under Direction 95 of Directions by the Speaker, Lok Sabha took up the representation for examination. Accordingly, the above representation was forwarded to the Ministry of Coal on 23.01.2006 requesting them to forward their comments on the issues raised in the representation.

1.3 At the instance of the Committee, the Ministry of Coal *vide* their O.M. dated 06.03.2006 furnished their comments as under:—

"Employment to the dependants of the deceased/disabled workman is provided by BCCL subject to fulfilment of eligibility conditions and observance of prescribed procedure in this regard. This compassionate employment is not provided *suo moto*. For seeking employment under this category, certain formalities are required to be completed by the dependants and the complete filled up format along with necessary documents is required to be submitted at the concerned unit where the deceased was employed. There have been instances in the past where shortcomings in the claim proposal for employment could not be detected at one go for want of proper check list and therefore in order to mitigate the hardships of the dependents, a new exhaustive check list was devised in March, 2005 and circulated for compliance. Therefore, it may be appreciated

that employment being sensitive issue, it could only be released once formalities are observed in totality, including proper identification of the dependant by the Competent Authority prescribed under the rules, so as to rule out the possibility of any fake employment. A thorough enquiry has been made to ascertain the reasons for delay in employment as alleged in the said complaint of Shri Subhash Singh. It is observed that in majority of the cases, the reasons for delay is non-compliance of the required formalities by the dependants of the deceased, submission of incomplete employment papers etc. resulting in delay due to return of the same to Units for re-submission after complying with the requirements."

The Ministry further stated:—

"The broad area of deficiencies as noticed while processing these 19 claims at different levels, are as under:

- (1) Claims of the 13 dependants at Sl. Nos. 1, 3, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17 and 18 could not be processed for releasing the employment, due to non-certification of identification certificate, family details, dependency certificate and verification roll by the concerned BDO/SDO. In addition, attestation format has neither been filled up properly nor signed by the designated authority.
- (2) Three cases at Sl. Nos. 4, 9 & 13 are claims which have been received only recently from the claimants and are under process.
- (3) Two cases of dependant at Sl. Nos. 2 and 11 do not figure in the names of dependants in service books of deceased employee, as such they have been sent for police verification and would be further processed on receipt of report.
- (4) The claim at Sl. No. 19 is a time barred claim and therefore it has been rejected as per the policy of the company."

The names, details and status of each of these 19 cases (as on 06.03.2006) are given.

The Ministry further stated:—

"It may be submitted that in the units situated in West Bengal Municipal Area a problem of non-certification of certain documents required for employment by the BDO has been experienced as no BDO is posted in the municipal areas. To overcome this difficulty, the management of BCCL has relaxed the condition of certification and advised to get the format duly signed by SDO, but this too has not solved the problem, as SDO is also unwilling to sign the documents. The matter was also taken up with District Magistrate of Burdwan for finding solution to this problem so that the dependant of deceased could be saved from unnecessary harassment. Now, the District Magistrate, Burdwan, has advised the Executive Officer to certify identification certificate, family details certificate, verification roll, which will be countersigned by the SDO, Asansol, so as to

process the claim of dependants' employment and if this is done, all pending cases would be processed very soon. It is further submitted that no corruption in employment by any of the officers at any stage has ever been noticed as alleged by Shri Subhash Singh. During the two discussions held with Shri Subhash Singh on this issue he failed to divulge the names of any of the officials, who had asked him for illegal gratification... The complaint is devoid of the names of any of the employees of BCCL and has not been received from the beneficiaries. BCCL have taken up the issue at different levels and are trying to further tone up the machinery dealing with such issues, so as to mitigate the hardship of these dependants in getting their cases processed expeditiously."

1.4 The Committee desired to know about the salient features of National Coal Wage Agreement and the provision relating to compassionate appointment to the dependants of the deceased employee. The Ministry in their written reply stated as under:—

"The National Coal Wage Agreement covers the wage structure, different allowances payable, leave/festival days, social security, welfare amenities, pension, fringe benefits, and service conditions and other allied matters including safety measures. As a social security measure, it provides for compassionate appointment to one of the dependants of the deceased/disabled employee."

1.5 On being asked to state about the number of workers who died during the last five years due to illness and whether the Government had conducted any study to establish the cause of illness/death, the Ministry in their written reply stated as under:—

"Number of workers died during last 5 years due to illness is as under:

Year	No. of Death due to illness
2001-2002	639
2002-2003	680
2003-2004	651
2004-2005	539
2005-2006 (up to Feb. 06)	512

The company conducts preliminary medical examination of its employees working in Mines regularly at interval of five years to assess the health of the employees. Requisite medical treatments are provided as a result of medical examination."

1.6 In his representation the petitioner had stated that workers work in a very polluted and unhealthy environment. When asked to state the measures being taken by the company to improve the working environment, the Ministry in their written reply stated as under:—

"All prescribed measures are being taken in mines for maintenance of healthy working environment with due attention for safety measure."

1.7 The Committee desired to know about the medical facilities available to the colliery workers and steps taken by the company for strengthening of the medical facilities for the workers. The Ministry in their written reply stated as under:—

"Every mine at the company is provided with a dispensary and each Area is attached with a Hospital, besides a Centrally located and well-equipped Central Hospital. Free medicines/clinical check-ups are also provided to the workers including their dependants. Abstract of Hospitals, Dispensary etc. are furnished below:

HOSPITALS	:	15
DISPENSARIES	:	99
AMBULANCE	:	117
NO. OF TOTAL BEDS	:	1306
NO. OF DOCTORS	:	304

Besides specialized treatment, workers inclusive of their dependants are referred to outside referral Hospitals. Sufficient medical facilities as per CIL norms and NCWA are being provided by the company."

1.8 In reply to the question about the eligibility conditions and the procedure for grant of compassionate appointment to the dependants of the deceased workman, the Ministry in their written reply stated as under:—

"The eligibility and procedure for compassionate employment are as under:—

Eligibility

- (a) The dependant means the wife/husband as the case may be, unmarried daughter, son and legally adopted son.
- (b) In case no such direct dependant is available, brother, widowed daughter/widowed daughter-in-law, residing with the ex-employee and almost wholly dependant on the earnings of the ex-employee can be considered.
- (c) Age limit for male dependant is 35 years and that for female spouse the same is 45 years. There is no age limit for male spouse.
- (d) Male dependant if 12 years and above in age at the time of death/disablement will be kept in live roster and would be provided employment on attaining the age of 18 years. During the period the male dependant is in line roster, the female dependant is paid monthly monetary compensation.
- (e) The dependant should be physically fit and suitable for employment.

Procedure

After death/disablement of an employee, the dependant is required to submit his/ her claim for employment within 18 months, by furnishing the requisite prescribed documents as per the check-list at the concerned unit, where the ex-employee was in employment. The claim is sent by unit

through concerned Area to Headquarters alongwith the initial medical board report showing his fitness and age. The case is processed and submitted for competent approval after ensuring compliance of prescribed requirements as per checklist."

1.9 On being asked to state about the formalities which are required to be completed by the dependants for compassionate appointment, the Ministry in their written reply stated as under:—

"The following formalities are required to be completed by the dependants:—

- (a) The claim for employment should be made within 18 months since the date of death/disablement.
- (b) The claimant has to furnish requisite documents viz. claim form, identification certificate, attestation form, verification roll in prescribed form duly complete and issued from competent authority as prescribed in the respective formats.
- (c) No objection form all adult family members in form of affidavits is also required in support of his employment.
- (d) A certificate of identification from two permanent employees of the company.
- (e) He has to also furnish copies of education certificates.
- (f) Certificate from District Authorities are required to be furnished by the candidate in such cases where there is difference in name of the claimant of the ex-employee."

1.10 On being asked to state about the number of cases of compassionate appointment settled during 2005, the Ministry in their written reply stated as under:—

"During the above period 159 cases have been settled as detailed below:—

(a) Death Cases	—	143
(b) Medical Unfit Cases	—	08
(c) Monetary Compensation	—	08"

1.11 About the number of cases pending for grant of compassionate appointment, the Ministry in their written reply stated as under:—

"817 cases are pending for compassionate employment as on 30.03.2006, out of which 572 cases were received within one year, and the rest 245 cases have been pending for more than one year."

1.12 The Committee desired to know whether any inquiry has been conducted about allegations of corruption in employment against the employees of BCCL. The Ministry in their written reply stated as under:—

"The Government has not conducted any investigation or inquiry into the allegations."

1.13 On being asked to state about the efforts made by the company to expedite disposal of pending cases of compassionate appointments and to settle the cases within a specified time frame, the Ministry in their reply stated as under:—

"To expedite the disposal of the pending cases all Area General Managers have been requested to give priority to employment matters. Besides, the concerned dealing officers as well as dealing staff of the Area are in regular interaction for removal of the discrepancies in the claims."

1.14 Subsequently, on the directions of the Committee while furnishing updated position of 19 cases relating to appointment on compassionate grounds to the dependants of the deceased employees, the Ministry in their written reply dated 01.12.2006 and 18.10.2007 informed as under:

Sl. No.	Details of cases	Status
1	2	3

Status of Three rejected cases

- | | | |
|----|---|--|
| 1. | Late Gita Devi,
Claimant—Shri Rajesh Kumar Roy, Son-in-law | Employment regretted by BCCL on 26.05.2006 being a doubtful case as she also has an adopted son. |
| 2. | Late Ram Janam Singh,
Claimant—Dharmendra Kumar Singh, Son | Claim rejected by Area on 31.10.2005 as the claim was received after 26 months. |
| 3. | Late Lakhi Manjhi,
Claimant—Shri Baldeo Manjhi, Son | Claim rejected by the area on 18.03.2006 as the claim was received after 19 months 22 days. |

Status of cases under process (as on 18.10.2007)

- | | | |
|----|---|--|
| 1. | Late Rajesh Bouri,
Claimant—Smt. Rekha Bouri, Wife | Complete papers received at BCCL, Dhanbad on 27.09.2007 Name of Smt. Rehkha Bouri, claiming to be wife of Late Rajesh Bouri is not available in any record of the company. Accordingly, she has now submitted Declaratory Decree from Civil Judge, Junior Division, 2nd Court, Asansol. The matter has been referred for obtaining legal opinion over the issue. On receipt of legal opinion, further needful action will be taken in this regard. |
| 2. | Late Paresh Manjhi,
Claimant—Moni Manjhi, Wife (Name Does not appear in SRE) | Smt. Moni Manjhi, wife of the deceased employee, has not yet submitted the employment claim file completed in all respects. As her name does not appear in any record of the company, she was advised to submit Declaratory Decree to this effect. On submission of all the relevant documents alongwith Declaratory Decree by the claimant, further needful action will be taken in this regard. |

1	2	3
Status of cases approved by BCCL		
1.	Late Narayana Roy Claimant—Shri Arun Kumar Roy, Son	Approval for employment issued on 30.03.2006.
2.	Late Bhairo Prasad Turi Claimant—Smt. Kaushaliya Devi, Wife	Approval for employment issued on 25.03.2006.
3.	Late Naresh Bouri Claimant—Shri Swapan Bouri, Son	Approval for employment issued on 25.03.2006.
4.	Late Raju Bhuia Claimant—Shri Nunbatia Devi, Wife	Approval for employment issued on 30.03.2006.
5.	Late Muchiram Parida Claimant—Shri Sanjay Parida, Son	Approval for employment issued on 30.03.2006.
6.	Late Ram Sewak Lohar Claimant—Smt. Savitri Devi, Wife	Approval for employment issued on 30.03.2006.
7.	Late Dilip Chakraborty Claimant—Smt. Putul Chakraborty, Wife	Approval for employment issued on 25.03.2006.
8.	Late Hari Dusadh Claimant—Smt. Gholi Devi, Wife	Approval for employment issued on 30.03.2006.
9.	Late Badal Kora Claimant—Shri Adhal Kora, Borther	For monetary compensation in lieu of employment issued on 30.03.2006.
10.	Late Krishan Saw Claimant—Smt. Lilawati Devi, Wife	Approval for employment issued on 04.08.2006.
11.	Late Shri Ram Mahra Claimant—Shri Santosh Kumar Mahra, Son	Approval for employment issued on 10.08.2006.
12.	Late Mangru Yadav Claimant—Shri Pappu Yadav, Son	Complete papers as per requirement of Check List, received at BCCL, Dhanbad on 27.09.2007. Approval for employment issued on 01.10.2007.
13.	Lata Raso Bhuia Claimant—Smt. Budhani Devi, Wife	Complete papers as per requirement of Check List, received at BCCL, Dhanbad on 27.09.2007. Approval for employment issued 01.10.2007.

1	2	3
14.	Late Sahadev Prasad Kushwaha, First Claimant—Wife, Regretted due to short height. Now above 45 years of age. Requested for monetary compensation and to keep her son in Live Roster (D.O.B.06.01.1990)	Complete papers were received in BCCL, Dhanbad on 14.07.2007 and approval for payment of monetary compensation to Smt. Basanti Prasad Kushwaha, wife of the deceased employee and for keeping the name of his son, Shri Nikhil Kumar Kushwaha on Live Roster has already been issued on 11/13.09.2007.

1.15 The Committee took oral evidence of the representatives of the Ministry of Coal on 31.03.2006. On being enquired about the request of the petitioner, the representative of the Ministry responded as under:—

"It is a fact that, there was an employee, who was posted in Victoria area and there were some natural deaths in that area and as per the NCWA there is a provision of giving employment to the dependant of the deceased. Under this agreement, before giving employment, number of forms are to be filled and a detailed information is required to be taken. There were delay in some cases and this case is among them. There are 19 cases, where there was delay. The main reason for delay was that during a period before July 2005 employment on compassionate grounds was closed as there was some doubt that whether the management of N.C.W.A. will function or not. When the said doubt was cleared on 6th July the processing of the aforesaid cases started. Another reason for delay was that previously we used to accept the certification of MLA or MP but when we saw that there were number of shortcomings, we decided that we will accept the certification of the concerned officers *i.e.* BDO or SDO. When the SDOs did not agree to give the certificate then recently we took up the matter with the D.M. Burdwan and he called the concerned SDOs. Now they are giving certificates. As per this certificate out of 19 cases, we have settled 8 cases and they have already been approved and there are 2 cases, which have been rejected at the area level as there are some problems in the completion of the formalities. There are some cases, which have been rejected due to time bar."

1.16 On being asked to state the reasons for declaring some cases of compassionate appointment as time barred, the representative of the Ministry, during evidence stated:—

"There is a system which is prevailing as on date and that is in how many days the application is required to be submitted after the death. As per decision it is 18 months. In our company, we follow 18 months period, but there are cases when we have have received application after 18 months."

1.17 The Committee were informed that the rules on the Government of India provide that the application for compassionate appointment can be submitted within five years from the date of death of the employee. However in BCCL it was 18 months.

When the Committee sought clarification in this regard, the representative during evidence, stated:—

"In Government of India, it is 5 years but in coal companies, it is 18 months. In some companies it is 12 months period. It varies from company to company."

1.18 The Committee noted that the rules relating to compassionate appointment were different in Coal Company and Coal India Limited, as the former was following 18 months period whereas in the Government of India (coal India) it was 5 years. Replying in this regard, the witness during evidence stated:—

"Under this agreement, the concept behind compassionate employment was that when any of our employee dies in harness and there is no earning member in the family of the deceased, in order to provide immediate employment, we made the provision of compassionate employment. We have number of companies and there was a concept that the functional Directors of those companies used to decide about the time to be given. We decided to keep 6 months period so that the deceased's family members will not have to wait much longer, as there would be in an urgent need to get employment either to their children or wife. But when we analysed the situation we noticed that we were not getting the claim for employment within 6 months. It appeared that they used to perform the marriage of their unmarried daughters and when there were no dependant in their family, they used to get their son-in-law apply for the job. In some cases we received fake applications wherein the applicants names were not there in the dependant list. Such persons were shown as dependant. Under such circumstances we made strict provisions. When I was D.P. in ECL I extended the said 6 months period to one year. We made an understanding with all Unions that delay should be avoided in seeking compassionate appointment. If son is studying either in Matriculation, I.A. or B.A. and they want to continue his studies, he can get employment later on, then let them make application to the employer that they do not have any male member who is dependant."

1.19 The witness further stated:—

"But we don't have any guidelines. Compassionate ground means that there is an urgent need for employment and we need a worker. That is why, we will immediately provide employment. If there is delay in submitting application it means that the family does not need compassionate view for employment."

1.20 Explaining about the guidelines of the Government of India relating to Compassionate appointment, the representative of the Ministry during evidence stated:—

"The guidelines of the Government of India and the latest judgement of the Supreme Court says that compassionate employment should not be treated as a guarantee for employment. There should be equality before law and we have requested all the Unions to review the latest-provision for employment, which is in force. It should be need base. There should be a fair competition amongst all the competitors. This is not essential."

1.21 Explaining about rules in Public Sector Undertaking and the time limit for consideration of appointment on compassionate grounds, the witness during evidence stated:—

"I would like to submit only one thing as whatever you are saying is true that it is on the basis of compassionate grounds, but the factual position is that most of the system in Public Sectors Undertakings are different from the Central Government. This is the position in most all the other departments. Either they have entered into such agreements with Union or whatever may be the reason, I have seen in various departments that their arrangements are different from the union Government."

Status as on 06.03.2006

- | | |
|--|--|
| 1. Late Badal Kora,
Ex-Miner/Loader,
Basantimata Colliery | The proposal is incomplete. It would be cleared on getting identification certificate, verification roll and attestationn from SDO/BDO and other competent authority as per the format/check list. |
| 2. Late Rajesh Bouri, Ex-Miner/Loader,
Basantimata Colliery | It is a case where application for employment was initially received for Jagu Bouri, brother of the deceased employee, but as direct dependent, wife was available for employment, the case was not entertained. Thereafter, the case for employment was delayed for want of police verification report, ascertaining the identity of Smt. Rekha Bouri, as her name was not appearing in the service book and also for the marriage certificate. The proposal would be cleared on getting police verification report as well as family details certified by BDO/SDO and attestation form from competent authority as per the format. |
| 3. Late Sriram Mahara, Ex-Miner/Loader,
Basantimata Colliery | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 4. Late Narayan Ray,
Ex-Haulage Operator,
Basantimata Colliery | The proposal has been received only in the month of January 2006 and is under process. |
| 5. Late Hari Dusadh, Ex-Pump Operator,
Damagoria Colliery | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 6. Late Bhario Prasad
Tuyri, Ex-HD Operator
Damagoria Colliery | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation |

form from SDO/BDO and other competent authority as per the format/check list.

7. Late Raju Bhuia, Ex-Greaser Helper, Damagoria Colliery
 Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list.
8. Late Mangru Yadav, Ex-Tyndal, Damagoria Colliery
 Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list.
9. Late Muchi Ram Parida Ex-Wagon Loader, Damagoria Colliery
 The proposal received in December, 2005 is not complete. Hence sent for compliance of the requirements of the check list and formats such as verification of death certificate and certification roll by gazetted officer.
10. Late Ram Sewak Lohar, Ex-Dumper Operator, DOCOP
 The claimant was not meeting the minimum physical standards of height as required for employment. As such, he was not eligible for employment. On getting general relaxation in the minimum prescribed height for employment, the case is to be re-submitted complying with the requirements of the new check list such as identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list.
11. Late Paresh Majhi, Ex-Miner/Loader, Begunia Project
 The name of the claimant does not appear in the service book of the deceased. The relationship could not be established. On project receipt of the same and compliance as per the check list, case would be processed such as identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list.
12. Late Naresh Bouri, Ex-Pump Operator, Begunia Project
 Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list.

- | | |
|--|---|
| 13. Late Rasho Bhuia, Ex-Fitter Helper, Begunia Project | The case has been received in November, 2005 it is under process. |
| 14. Late Krishan Sao Ex-Miner/Loader, Begunia Project | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 15. Late Dilip Chakravarty, Ex-Clerk of CV Area | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 16. Late Gita Devi, Ex-Valveman, Victoria West Colliery | It is a case of indirect dependent's employment, <i>i.e.</i> to the son-in-law of the late Gita Devi. The proposal would be cleared only after getting dependency certificate and family details certificate duly signed by BDO of Khushinagar, U.P. |
| 17. Late Sahadeo Prasad Kushwaha Ex-Compounder, Victoria West Colliery | The claimant was not meeting the minimum physical standards of height as required for employment. As such, he was not eligible for employment. On getting general relaxation in the minimum prescribed height for employment, the case is to be re-submitted complying with the requirements of the new check list such as identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 18. Late Lakhi Majhian, Ex-Wagon Loader, Victoria West Colliery | Proposal is incomplete. It would be cleared on getting identification certificate, family detail certificate, verification roll and attestation form from SDO/BDO and other competent authority as per the format/check list. |
| 19. Late Ram Janam Singh, Ex-Havildar, Victoria West Colliery | Being a belated case, the proposal has been rejected. |

Observations/Recommendations

1.22 The Committee note from the submissions of the petitioner that a large number of the deceased workers of the various coalfields of BCCL belong to backward classes and Scheduled Tribes. During their service period, these workers have to work in a highly polluted and unhealthy environment. According to the petitioner, one of the dependants of the deceased employee has the right of employment as per the National Coal Wage Agreement (NCWA). The petitioner stated that there were 19 cases for compassionate appointment to the dependants of the deceased employees which were being delayed by the BCCL, on one pretext or the other. The petitioner had alleged that the officers of BCCL did not clear the cases for compassionate appointment unless these officers were bribed. The Petitioner, therefore, requested that the cases of compassionate appointment may be expedited and action taken against corrupt officials.

1.23 The Committee note that NCWA, as a social security measure, provides for appointment to one of the dependants of the deceased/disabled employee/workman subject to fulfilment of eligibility conditions and observance of prescribed procedure in this regard. The compassionate appointment is not provided *suo moto*. According to prescribed procedure for seeking compassionate employment, the dependant of the deceased has to complete certain formalities, fill up the form and submit the same alongwith required documents at the unit where the deceased was employed. The dependant is required to submit his/her claim within 18 months from the date of death of the employee. The case is processed and submitted to the competent authority for approval after ensuring compliance of prescribed formalities as per check list. The Committee were informed that in order to mitigate the hardship of the dependants, a new exhaustive check list was devised in March, 2005 and circulated for compliance. According to the Ministry, compassionate employment could be released once formalities are observed in totality, including proper identification of the dependant by the competent authority prescribed under the rules, so as to rule out the possibility of any fake employment.

1.24 As regards the delay in processing the cases of compassionate appointment as alleged by the petitioner, the Ministry has stated that a thorough inquiry was conducted to ascertain the reasons for delay in employment and it was found that in majority of the cases, the delay was due to non-compliance of the required formalities, submission of incomplete papers etc., by the dependants of the deceased. The Committee were also informed that BCCL have taken up the issue at different levels and are trying to further tone up the machinery dealing with such cases, so as to mitigate the hardships of the dependants in getting their cases processed expeditiously. The Ministry have also submitted that no corruption in employment by any of the officers at any stage has ever been noticed as alleged by the petitioner. During the two discussions held with the petitioner on the issue, he failed to divulge the names of any of the officials, who had asked him for illegal gratification.

1.25 During the course of evidence, the Ministry/BCCL have admitted that there were delays in processing some of the cases including the 19 cases cited by the petitioner. One of the reasons cited in this regard was that while no BDO is posted in the municipal areas of West Bengal, SDOs are not willing to give certification of certain documents. The matter was taken up with the District Magistrate of Burdwan and now SDO is issuing requisite certificates as a result of which BCCL have approved and issued compassionate appointment in 8 out of 19 cases. Two cases of compassionate appointment have been rejected. Subsequently, in their written replies, the Ministry have informed the Committee that BCCL have approved 12 cases for compassionate employment, one case for monetary compensation in lieu of employment, one for payment of monetary compensation and for keeping the name of the deceased's son on Live Roster. Out of the remaining cases, 2 cases are still being processed, while 3 cases have been rejected. Out of the three rejected cases, the Ministry have informed that two were rejected as the claim was received after 18 months and one was a doubtful case.

1.26 The Committee wish to point out that the basic objective behind the provision of compassionate appointment in any department/company, is to grant immediate relief and provide succour to the bereaved family. Most of the workers who die in harness are poor and belong to the lower strata of the society. Keeping this aspect in view, the Committee urge that all such cases should be examined and processed from humanitarian angle and every effort should be made to provide employment to the dependants of the deceased employees on priority basis. The Committee are satisfied to note that most of the claims of the dependants of the deceased employee for compassionate appointment as listed by the petitioner have been settled and the Company has approved compassionate appointment and/or granted monetary compensation in lieu of employment. Now, only two cases are left which are being processed by the Company. The Committee hope that these two cases will also be taken on priority basis in order to provide relief to the bereaved family without further delay. As regards the rejected cases particularly the time barred cases, the Committee are of the opinion that their cases should not be rejected simply on technical grounds that the family of the deceased employees could not submit his/her claim for compassionate appointment within the stipulated time period of 18 months, particularly if the claim for compassionate appointment is genuine and the family really deserves relief in terms of employment. Needless to say, the stipulated limit of 18 months varies from Company to Company, while in the Government of India, such limit for grant of compassionate appointment is 5 years. The Ministry/BCCL could not explain the rationale behind adopting norms/criteria different from the norms/criteria as prevalent in the Government of India. The Committee, therefore, recommend that the two cases rejected by the Company may be reconsidered sympathetically for grant of compassionate appointment by condoning the delay in submission of their claims for the same. The Committee would like to be apprised of the action taken in the matter within a period of three months. The Committee also recommend that norms stipulating 18 months for submission of claim for compassionate appointment by the dependants of the deceased employers should be reviewed and brought at par with the norms/criteria prevalent in the Government of India.

1.27 The Committee are deeply concerned to note that 817 cases are pending for compassionate appointment in BCCL as on 30.03.2006, out of which 245 cases are pending for more than one year. While expressing their displeasure at the large number of pending cases, the Committee recommend that an action plan should be worked out by the Ministry/Company in order to settle all such pending cases expeditiously in a time-bound manner. The Committee would like to be apprised of the action taken in this regard.

CHAPTER II

REPRESENTATION FROM SHRI KHILAR SINGH TANWAR REQUESTING TO TAKE ACTION AGAINST THE OFFICERS OF DELHI POLICE FOR TAMPERING WITH THE INVESTIGATION OF A CASE

2.1 The Committee on Petitions received a representation dated 27.11.2006 from the petitioner making complaints against Shri Anil Shukla, DCP/South, Smt. Versha Sharma, Ex ACP, Hauz Khas, Smt. Shalini Singh, DCP (vigilance) and Shri Vijay Manchanda, ACP (vigilance) for alleged tampering with the investigation of case FIR No. 692 dated 26-11-2005 U/s 147/148/149/380/448/455/506/34 IPC Police Station Mehrauli, New Delhi. The petitioner has further submitted as under:—

- (i) He is the owner of plot No.54, Khasra No. 283/2 Village Chhattarpur, New Delhi. Shri Tilak Raj, who was deputed by him as a caretaker of the plot was thrown out by the land mafia. Thereafter, the land mafia forcibly on-pistol/sword point illegally occupied the plot.
- (ii) Shri Anil Shukla, DCP/South, Smt. Versha Sharma, then ACP, Hauz Khas, Smt. Shalini Singh, DCP (vigilance) who is the wife of Shri Anil Shukla and Shri Vijay Manchanda, ACP (vigilance) are hand in glove with the land mafia/land grabbers of the south district. Smt. Shalini Singh indirectly helps her husband, Shri Anil Shukla.
- (iii) All junior officers of south district are forced to help the land mafia and if any police officers dare to go merit, he harrassed and transferred to some non-sensitive unit with the help of Smt. Shalini Singh, who by giving false inquiry report against these officers, gets their career ruined.
- (iv) After dispossession from the plot, the complainant approached SHO of Mehrauli to register the case. However SHO did not register the case.
- (v) He filed a case No. 1850 A-I dated 30-9-2005 against the land mafia in the Court of CMM, New Delhi. The court directed the SHO to register the FIR against the accused persons for the offence U/s. 147/148/149/380/448/506/ IPC.
- (vi) The FIR was registered bearing No. 692/2005. The above named DCP and ACP ordered the Inquiry Officer to hush up the matter and get absolved the land mafia and got the accused bailed out.
- (vii) The petitioner was forced to approach Joint Commissioner of Police. Southern Range, who transferred the case to DIU/SD and the case was assigned to Inspector Mahabir Singh. However, Shri Anil Shukla compelled Shri Mahabir Singh not to arrest the accused persons.

- (viii) Thereafter, ACP, Shri Rajinder Kumar of DIU/SD was directed to investigate the matter and in his investigation he found that the inquiry was on the right course and recommended that the challan be sent for trial after arresting the accused persons. The report of the ACP was agreed to by the Addl. DCP, SD, who sent the file to DCP,SD for final orders. However, instead of signing the same, DCP,SD asked the Inquiry Officer to investigate the matter further.
- (ix) DCP, Shri Anil Shukla and the then ACP Smt. Versha Sharma in disregard to the orders of the Joint CP, SD withdrew the case file from the DIU/SD and transferred the investigation of the case to an inspector of their own choice with *mala-fide* intention to close the case by subverting the investigation.
- (x) The entire episode caught the attention of the national press and so the Commissioner of Police, Delhi ordered vigilance inquiry and the matter was assigned to Smt. Shalini Singh. Smt. Shalini Singh submitted a false report to CP, Delhi in order to save her husband, Shri Anil Shukla and transferred the Inquiry Officer, Shri Mahabir Singh, Inspector.
- (xi) He approached the CP, Delhi to assign the case to any impartial agency, which could not be influenced by Shri Anil Shukla and Smt. Versa Sharma. The case of the petitioner to crime branch by the CP, after he received the notice from the Delhi High Court.

2.2 The petitioner therefore requested the Committee to intervene and issue suitable instruction to the officers of Delhi Police to take action against the accused persons so as to render justice to the complainant. He has further requested that the investigation of the case be transferred to CBI as the investigation in crime branch will be influenced by the top officers of Delhi Police.

2.3 The Committee took up the matter examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the above representation was forwarded to the Ministry of Home Affairs on 12.12.2006 requesting them to furnish their comments.

2.4 The Ministry of Home Affairs on 3rd April, 2007 in their written reply stated as under:—

"The facts in the matter are that on 26.11.2005, case FIR No. 692/05 u/s 147/148/149/380/448/506/IPC was registered at P.S. Mehrauli on the complaint of Sh. Khilar Singh Tanwar, on the directions of Ld. Court u/s 156(3) Cr. P.C. The complaint was regarding dispossession from plot No. 54 in Village Chattarpur, New Delhi. Enquiry revealed that one Munna Lal was kept as Chowkidar at the plot by its owner Sh. P.D. Aggarwal, who started keeping buffaloes here. In the year 2003, he tried to remove this Munna Lal but did not succeed. A quarrel in this regard had also been reported at that time. Later, to get rid of him, Sh. P.D. Aggarwal sold this plot to the complainant, who also tried to remove Munna Lal from the plot but could not succeed because a rival politician of the area was supporting him.

Owing to allegations and counter allegations from the two parties, the investigation of the case was transferred to DIU/South Distt. for a fair investigation. But IO of the case in DIU/South was found to be biased towards the complainant and had examined only interested witnesses. DCP/South District got conducted secret enquiries through RI/South Distt. which revealed that the plot in question was in possession of the present occupant even before the date of the alleged dispossession. In view of this report, the investigation of the case was transferred to Inspr./Vig./South Distt. by DCP/South Distt. for fair and impartial investigation.

A Vigilance enquiry was also got conducted on the complaint of Shri Khilar against DCP/South Distt. and ACP/Hauz Khas. The enquiry revealed that the allegations leveled against DCP/South and ACP/Hauz Khas were baseless and motivated. The Allegations against Smt. Shalini Singh, DCP/Vigilance are also without any substance. Vigilance enquiry has been conducted by ACP rank officer of Vigilance Branch and the conclusion reached in the enquiry is based on merits. It may be added that in order to remove any doubts about the bonafides of above mentioned officer the investigation of the case had been transferred to Crime Branch for independent investigation. So far no evidence to suggest dispossession has come on record."

2.5 Subsequently, the Committee on Petitions took oral evidence of the representatives of the Ministry of Home Affairs on 3rd April, 2007.

2.6 Explaining the factual positions the representatives of the Ministry during evidence stated as under:—

"Sir, the FIR which was lodged, has been disposed. Investigation is in progress. Neither it has been rejected nor has been brought at the charged sheet stage. In the meantime as there were doubts on the objectivity of the inquiry officer the case has been transferred to another district agency. The district agency has transferred to crime branch. As I had explained the investigation is in progress."

2.7 The Ministry of Home Affairs were requested to furnish in July, 2007 the latest status in the matter. However, they have not complied with the directions of the Committee and requisite information in the matter are yet to be received from them.

Observations/Recommendations

2.8 The Committee note from the submissions of the petitioner that he is the owner of the plot No. 54, Khasra No. 283/2 in village Chhattarpur, New Delhi. The land mafia dispossessed him from the said plot and forcibly occupied the same. According to the petitioner, the land mafia has been enjoying police as well as political protection. After dispossession from the plot, the complainant approached the SHO of the Mehrauli Police Station. However, the police did not register the FIR. Thereafter he filed a complaint dated 30.9.2005 in the court of Chief Metropolitan Magistrate, New Delhi. The court directed the police to register an FIR against the accused persons for the offence u/s 147/148/149/380/448/455/506/34 IPC. On registration of the case the Inquiry Officer hushed up the matter and the accused was bailed out. Thereafter, the complainant approached the Joint Commissioner of Police, Southern

range. On the directions of JCP, the case was transferred in DIU/South District. As the Inquiry Officer was not conducting fair inquiry in the matter, the case was transferred to the vigilance department. In the vigilance department, Smt. Shalini Singh, who is the wife of Shri Anil Shukla, DCP (vigilance), in order to save her husband managed to obtain a false report from her subordinate viz. Shri Vijay Manchanda, ACP (vigilance). Smt. Shalini Singh submitted a false report to Commissioner of Police, Delhi who transferred the Inquiry Officer, who initially conducted the inquiry. According to the petitioner, a fair inquiry into the matter has not been conducted by the Delhi Police Officer even by the vigilance department especially by Smt. Shalini Singh, DCP (vigilance). The petitioner has desired that the case may be assigned to the CBI for impartial inquiry as the investigation of the Crime Branch may be influenced by the officers of Delhi Police.

2.9 The Committee note that on the directions of the Court, an FIR No. 692/05 u/s 147/148/149/380/448/506 IPC was registered at Mehrauli Police Station on the complaint of the petitioner. From the reply furnished by the Ministry of Home Affairs, the Committee note that the complaint relates to dispossession from the Plot No. 54 in village Chhattarpur, New Delhi. The police enquiry had revealed that Shri Munna Lal was kept as Chowkidar at the plot by its owner Sh. P.D. Aggarwal. In the year 2003, Shri Aggarwal tried to remove Shri Munna Lal but did not succeed. Later on to get rid of him, Shri P.D. Aggarwal sold this plot to the complainant, who also tried to remove Munna Lal from the plot but could not succeed. Owing to allegations and counter allegations from the two parties, the investigation of the case was transferred to DIU/South district for a fair investigation. But the Inquiry Officer was found to be biased towards the complainant and had examined only interested witnesses. As such, DCP/South district got conducted secret enquiries through RI/South district, which revealed that the plot in question was in possession of the present occupant even before the date of the alleged dispossession. In view of this report, DCP/South transferred the investigation of the case to Inspector/Vig./South district for fair and impartial investigation. A vigilance enquiry was also got conducted on the complaint of the petitioner against DCP/South Distt. and ACP/Hauz Khas. As per the said enquiry, the allegations levelled against DCP/South and ACP/Hauz Khas were baseless and motivated. The allegations against Smt. Shalini Singh, DCP/Vigilance were also without any substance. The Ministry has further stated that ACP rank officer has conducted a vigilance enquiry and the conclusion reached in the enquiry is based on merits. Further, it has been stated that in order to remove any doubts about the bonafides of above-mentioned officer the investigation of the case had been transferred to Crime Branch.

2.10 The Committee are extremely unhappy to note that the Ministry did not furnish the latest position/status on the issue inspite of the requests made in this regard. This only goes to show the causal and callous attitude of the authorities concerned with the issue who deserved to submit explanation for their said lapse. The Committee get an impression from the facts submitted in reply to the representation of the petitioner that the honesty and integrity of the officers involved in conducting the inquiry against the alleged accused are not completely beyond doubt. The

Committee are constrained to observe that the complaints regarding the collusion of Delhi Police officers with land mafia/land grabbers and affording protection to such unscrupulous have been made. The Committee consider it as a tip of an iceberg since there may be many more such case.

2.11 The Committee feel that the allegations of petitioner do not seem to be without merit. The very fact that the complaint of the petitioner regarding dispossession from the plot was not registered when he approached the SHO, Police Station, Mehrauli, New Delhi and the fact that the said complaint was registered only after specific directions of Hon'ble Court of Chief Metropolitan Magistrate, New Delhi, amply proves that there is a nexus between the land mafia/land grabbers and the officers of Delhi Police, as alleged by the petitioner. The allegations of the petitioner are supported by the fact that the Inquiry Officer of the case in DIU, South District was found to be biased towards the petitioner and had examined only interested witnesses. Taking cognizance of the allegations made by the petitioner the investigation of the case was transferred for fair and impartial investigation to vigilance department. The Committee observe that the allegations against Smt. Shalini Singh, DCP was found without any substance by the vigilance department. The Committee are not convinced with the outcome of the inquiry as the same was conducted by an officer of the rank of ACP, who was junior to the DCP against whom the enquiry was conducted. In the opinion of the Committee, the vigilance inquiry conducted against a senior officer by the junior officer could not be considered as fair and impartial. It is also well established that there should not be any family relation between the charged officer and inquiry officer as has happened at one stage in this case.

2.12 The Committee are deeply anguished and surprised to find from the submission of the Ministry of Home Affairs that Delhi Police themselves lacked confidence and perhaps suspected the integrity of their officials and therefore shifted the investigation into the matter from one unit to another unit and finally to Crime Branch. The Committee, therefore, do not expect that the outcome of the inquiry by the crime branch will be fair and impartial as the officers involved in the inquiry could be influenced by the senior officers particularly by the accused police officers. The Committee recommend that every step should be taken to ensure that such accused officers are neither able to influence the inquiry in the case nor they could harass the innocent people and could give any undue favour or protection to the land mafia/land grabbers. The Committee also recommend that the investigation of the instant case in particular and other cases in general relating to the land grabbing/land mafia may be conducted by an independent agency and be reported within a period of six months. The Committee would like to be apprised of the action taken in the matter.

CHAPTER III

REPRESENTATION FROM SHRIMATI SARASWATI DEVI, WIDOW OF A SOLDIER REQUESTING FOR ALLOTMENT OF A SHOP AT EKMA RAILWAY STATION, BIHAR

3.1 Shrimati Saraswati Devi, Wife of Late Shri Bhasham Sharma, resident of Village Fustikala, Post Dayalpur, District Saran, Bihar, submitted a representation requesting for allotment of a shop at Ekma Railway Station, Bihar.

3.2 In the said representation, the petitioner stated that her husband who was posted in Bihar Armed Forces 12th Battalion at Daltanganj died during encounter with terrorist on 28.02.1995. She was promised by the State Government of Bihar to help her as a widow of soldier of Bihar Armed Forces. She submitted an application dated 10.09.2004 to DRM/N.E./Rly./Varanasi for allotment of a shop at Ekma Railway Station on compassionate grounds. A notification was published in daily newspaper on 10.02.2005 that an interview will be held in the office of DRM/Varanasi on 14.03.2005. After going through the same she attended DRM/Commercial/Varanasi & narrated her hardship due to the death of her husband who was killed by militants. DRM/Commercial/Varanasi told her that contract will be awarded to old contractor and it has been awarded the person to whom it was to be allotted. At this, she was very much disappointed because no body was listening to her genuine request. The petitioner has also alleged that all the people were intimidated about the interview through letter by post but no information was sent to her. The information was received by her on 18.03.2005 on return from Varanasi when the date has already expired. She has further stated Shri Dhruv Prasad has been allotted three stalls at Ekma, two trolleys and one tea stall whereas two trolleys and one tea stall have already been allotted at Chappra. Apart from this a stall is running in the name of Shri Sukesh Prasad who is the son of Shri Dhruv Prasad at Ratanpura station on Balia line. Shri Sukesh Prasad is a college student.

3.3 The petitioner has, therefore, requested that the matter may be taken up with appropriate authorities and help the widow lady by allotting a shop at Ekma Railway Station so that she can manage to earn livelihood for the children of the deceased.

3.4 The representation was taken up for examination by the Committee under Direction 95 of the Directions by the Speaker, Lok Sabha. The representation was forwarded to the Ministry of Railways (Railway Board) on 20.04.2006 for furnishing their comments on the points raised therein. However, the comments were not received from the Ministry of Railways.

3.5 Thereafter, the Committee undertook study tour to Patna on 01.05.2006 and held informal discussion with the representatives of the Ministry of Railways on the representation.

3.6 The Ministry of Railways (Railway Board) *vide* their written communication dated 12.06.2006 have stated as under:

"Ekma is a D Class station, where one stall and two trolleys are allotted for selling of tea, biscuits and oil produced eatables. The catering arrangement is considered adequate for a D Category station as per the extant catering policy guidelines.

By a press notification dated 25.08.2004 applications were invited for 32 stations of Varanasi division for catering and vending contract by experienced, reputed caterers and businessmen have sound financial status. Out of 32 stations 24 stations were for the General category and eight stations were for reserved category as per catering policy-2000. Last date for submission of applications was 15.09.2004. Smt. Saraswati Devi also appeared in interview along with other applicants on 14.3.2005 in the office of DRM/Comml./Varanasi.

Ekma station was in general category for which 37 applications including application of Smt. Saraswati Devi were received. The applicants were asked to submit following certificates along with the application form.

- (1) Age certificate.
- (2) Copy of Employment Registration card.
- (3) Income and Financial status certificate issued by District Revenue Officer.
- (4) Caste Certificate in case of reserved category.
- (5) Detailed particulars/Certificate of catering contracts in case applicant has catering Contract on this Rly. or on other Rly.
- (6) Cooperative Societies, all necessary particulars duly certified by Registrar.
- (7) Character Certificate issued by Superintendent Catering business of the applicant.
- (8) Turn Over (Total sale) certificate regarding catering business of the applicant.

A Committee of three J.A. grade officers comprising of Sr. DCM., Sr. DFM & Sr. DEN (Co-ordination) was formed for the disposal of applications. Before submitting its recommendation to the DRM, Committee scrutinized the applications and took personal interview of the applicants. Out of 37 applications, 35 were rejected on different grounds. Application of Smt. Saraswati Devi was also in the list of rejected applications, because except death certificate of her husband, application was not accompanied by other required certificates, so selection committee did not consider her application. Two applicants were short listed, who are as under:

- (1) Shri Dhruv Prasad, S/o Shri Durga Prasad, Vill. & Post Jeeradei, District-Siwan.
- (2) M/s Vindwasni Hotel & Caterers, proprietor Chhitendra Kumar Singh, S/o Shri Ram Nandan Singh, Dak Bungalow Road, Mokama, Patna.

On the basis of extant guidelines of Catering Policy the selection committee finally selected Shri Dhruv Prasad S/o Shri Durga Prasad, Village & Post-Jeeradei, District-Siwan, which was approved by the DRM for a period of one year only.

All the applicants were informed for interview dated 14.03.2005 through the registered post letters by office of DRM (Comml.)/Varanasi through the letter no. C/470/Catering/New Contract/04 dated 01.03.2005. The petitioner Smt. Saraswati Devi was also informed through registered post to appear for interview on date 14.03.2005 at 10. A.M. along with all original documents in the office of DRM (Comml.)/Varanasi.

Apart from the above, wide publicity was given through press notifications for the aforesaid interview. The Petitioner appeared in the interview on 14.03.2005.

Shri Dhruv Prasad was allotted one stall and two trolleys at Ekma Station on application through press advertisement in term of Catering Policy-2000. Full details of the same has already been given in Sl. No. 2.

At Chappra station the contract for two trolleys and one stall has continued for years (about 40 years) in the name of M/s Durga Prasad, Dhruv Prasad, which has renewed from time to time according to the extant rules. At present contract at Chappra station in name of Shri Dhruv Prasad is valid from 25.09.2003 to 24.09.2008 and this contract has been transferred to IRCTC by zonal Railways along with other contracts at A and B Category stations.

One 25.08.2004 applications were invited for contracts for catering services for 32 stations by Varanasi division through press release. The Ratanpura station was also included in these 32 stations, which was of general category. Ratanpura is a E Category Station for which two applications were received.

- (1) Shri Dharmnath Prasad, S/o Basdeo Bhagat, Village Bhatni Bazar (Churi Gali), Ward No. 8, Post Bhatni, District-Deoria.
- (2) Shri Sukesh Prasad, S/o Shri Dhruv Gupta, Village/Post-Jeeradie, District-Siwan.

Among the above two applicants Shri Dharmnath died on 28.01.2004. Interview date for applicants was fixed on 25.01.2005. Shri Sukesh Prasad appeared in interview. He has annexed all the essential information/certificates with the application, his income and status was sound and has sufficient experience in vending work.

On the basis of above, Committee recommended the name of Shri Sukesh Prasad for allotment of contract at Ratanpur station. The Catering and Vending contract of Ratanpur station was allotted to Shri Sukesh Prasad after the approval of the DRM/Varanasi. The date of birth of Shri Sukesh Prasad is 15-01-1966 and his present age is above 40 years and he had passed MA in Political Science in 1991. Till date agreement has not been signed by contractor. There is no bar in allotting the catering contract at D, E and F category station to an applicant if he is already providing catering service at a Rly. Station.

At present there is no vacancy at Ekma Rly. Station. As per provisions of revised Catering Policy-2005 application for Catering and Vending contract for Ekma and other D, E and F category stations of Varanasi division will be invited before July, 2006. Smt. Saraswati Devi may also apply after the publication of press advertisement in this regard."

3.7 The Committee further pursued the case with the Ministry of Railways. In response, the Ministry of Railways (Railway Board) *vide* their written communication dated 29th August, 2007 informed about the latest status of the case as under :—

"The Selection Committee has considered the application of Smt. Saraswati Devi, w/o late Shri Bhisham Sharma for allotment of a trolley at Ekma Railway Station and the same has been allotted to her adhering to all guidelines and procedures. Signing of agreement is under process."

Observations/Recommendations

3.8 The Committee note from the submission made by the petitioner that her husband Shri Bhisham Sharma died during the encounter with terrorists on 28.02.1995. She was promised by the State Government of Bihar to help her as a widow of Soldier of Bihar Armed Forces. She has applied for allotment of a shop at Ekma Railway Station. She appeared before Divisional Railway Manager (Commercial), Varanasi and requested for allotment of shop at Ekma Railway Station, but nothing has been done so far in this regard. The petitioner has also alleged that all the people were intimidated about the interview by post but no information was sent to her. The information was received by her on 18.03.2005 on return from Varanasi when the interview was already over. She has also stated that one Shri Dhruv Prasad has been allotted three stalls at Ekma whereas two trolleys and one tea stall have already been allotted to him at Chhapra. Apart from this a stall has also been running in the name of Shri Sukesh Prasad who is the son of Shri Dhruv Prasad at Ratanpura station on Balia line. The petitioner requested that she may be allotted a shop at Ekma Railway Station so that she can earn her livelihood.

3.9 The Committee also note from the reply of the Ministry of Railways that Ekma is a D Class station, where one stall and two trolleys have been allotted for selling tea, biscuits and oil cooked eatables. The catering arrangement is considered adequate for a D Category station as per the extant catering policy guidelines. Through a press notification dated 25.08.2004 applications were invited for 32 stations of Varanasi division for catering and vending contract by experienced, reputed caterers and businessmen having sound financial status. Out of 32 stations 24 stations were for the general category and eight stations were for reserved category as per catering policy, 2000. Last date for submission of applications was 15.09.2004. Shrimati Saraswati Devi also appeared in interview along with other applicants on 14.09.2005 in the office of DRM/Commercial/Varanasi. Out of 37 applications 35 were rejected on different grounds. Application of Smt. Saraswati was also in the list of rejected applications, because except death certificate of her husband, application was not accompanied by other required certificates, so the Selection Committee did not consider her application. Two applicants, Shri Dhruv Prasad and M/s. Vindwasni

Hotel & Caterers, were short listed. On the basis of extant guidelines of catering policy the Selection Committee finally selected Shri Dhruv Prasad, which was approved by the DRM for a period of one year only.

3.10 The Committee note from the latest report from the Ministry of Railways that the Selection Committee has considered the application of Shrimati Saraswati Devi, W/o late Shri Bhisham Sharma for allotment of a trolley at Ekma Railway Station and the same has been allotted to her adhering to all guidelines and procedures. Signing of agreement is under process.

3.11 The Committee are extremely unhappy to note that the Ministry of Railways have dealt with the entire matter in a casual manner until the matter was taken up by the Committee. The Ministry have neither offered any explanation for the alleged irregularities nor shown due concern and sympathy for a widow of Bihar Armed Force personnel who died in an encounter with terrorists. The Committee are of the view that such cases deserve to be treated on different footings and desire the Ministry of Railways to initiate an exercise to frame suitable guidelines/policy in this regard. The Committee would like to be apprised of the action taken within a period of three months.

3.12 The Committee are nevertheless happy to note that the grievance of the petitioner has been redressed with the intervention of the Committee.

NEW DELHI;
04 December, 2007
13 Agrahayana, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

ANNEXURE I

MINUTES OF THE THIRTY FOURTH SITTING OF THE COMMITTEE
ON PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Friday, 31st March, 2006 from 1200 hrs. to 1440 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Dr. M. Jagannath
4. Adv. Suresh Kurup
5. Shri Dharmendra Pradhan
6. Shri Jyotiraditya Madhavrao Scindia
7. Shri Vijoy Krishna

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*
4. Shri M.S. Jaspal — *Assistant Director*

WITNESSES

Ministry of Coal

1. Shri H.C. Gupta — *Secretary*
2. Shri Abhiram Sharma — *CMD, MCL*
3. Shri Pradeep Kumar — *Addl. Secretary*
4. Shri Rajiv Sharma — *Joint Secretary*
5. Shri B.K. Panda — *Director & Commissioner, CMPFO*
6. Shri H.C. Agarwal — *Director*
7. Shri Shashi Kumar — *CMD (CIL)*
8. Md. Salimuddin — *Director (P), CIL*
9. Shri P.S. Bhattacharyya — *CMD (BCCL)*
10. Shri D.C. Garg — *Director (P), BCCL*
11. Shri D. Chakraborty — *CMD, ECL*
12. Shri A. Chattopadhyay — *Director (P) ECL*

13. Shri Suresh Kumar Vashishth — District Magistrate,
Angul, Orissa
14. Shri Tarun Kanti Mishra — Principal Secretary,
(Deptt. of Revenue)
Govt. of Orissa

V. Representation from Shri Subhash Singh, General Secretary, Janta Dal (United), Burdwan, West Bengal for action against the Officers of BCCL for not clearing the cases of appointments on compassionate grounds.

The following issues/points were discussed by the Committee:—

- (i) guideline, for giving appointment to the dependants of the deceased employee in BCCL;
- (ii) the number of cases pending for grant of compassionate appointments in BCCL; and
- (iii) efforts being made by the company to expedite the disposal of the pending cases of compassionate appointment.

4. The Committee asked the witness to send the replies on points or demands which were not supplied or readily available with them during the evidence, within the stipulated period.

5. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The witnesses then withdrew.

The Committee then adjourned.

ANNEXURE II

MINUTES OF THE FIFTY FIFTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 3rd April, 2007 from 1500 hours to 1640 hours in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Shri Mohan Jena
4. Adv. Suresh Kurup
5. Shri Kishan Singh Sangwan

SECRETARIAT

- | | | |
|---------------------|---|----------------------------|
| 1. Shri A.K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 4. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |

WITNESSES

Ministry of Home Affairs

- | | | |
|-----------------------|---|----------------------------------|
| 1. Shri Vinay Kumar | — | <i>Additional Secretary (NM)</i> |
| 2. Shri B.A. Coutinho | — | <i>Joint Secretary (UT)</i> |
| 3. Shri I.B. Karan | — | <i>Director (Delhi)</i> |

5. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Home Affairs who were accompanied by officers from the Government of NCT, Delhi viz. Municipal Corporation of Delhi, Transport Department, Chairperson, NDMC, Officers of Railways and traffic on the representations of (i) Shri Surjjet Ram Saini for prohibiting illegal display of boardings banned by the Supreme Court and issuance of necessary directions to civic authorities, and (ii) representation of Shri Khilar Singh Tanwar against the officers of Delhi Police.

7. Discussing the representation of Shri Khilar Singh Tanwar against Delhi Police officers, the representatives of the Ministry of Home Affairs informed the

Committee that investigation was in progress. The case has neither been rejected nor has reached the charge-sheet stage. The case was assigned to the Investigation Officer. However subsequently it was withdrawn from the officer and transferred to another district agency. The district agency has transferred the case to crime branch, which is carrying out the investigation. After some discussion, the Committee desired that the petitioner should not be victimised for the representation against Delhi Police Officers.

The Committee then adjourned.

ANNEXURE III

MINUTES OF THE SEVENTIETH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, the 04th December, 2007 from 1500 hours to 1530 hours in Chairman's Room No. 45(II), Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Shri C. Kuppusami
4. Adv. Suresh Kurup
5. Shri Dharmendra Pradhan
6. Kunwar Jitin Prasada
7. Shri Jyotiraditya Madhavrao Scindia

SECRETARIAT

- | | | |
|-------------------------|---|----------------------------|
| 1. Shri P.K. Grover | — | <i>Joint Secretary</i> |
| 2. Shri A.K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 4. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 5. Shri V.P. Gupta | — | <i>Under Secretary</i> |
| 6. Smt. Jagriti Tewatia | — | <i>Committee Officer</i> |

2. The Committee considered and adopted the following reports of the Committee without any modifications:—

- (1) Thirty Fifth Report pertaining to Ministry of Health and Family Welfare on the Petition from Shri Mohan Singh, MP requesting for recognition of BDS degree awarded by different dental colleges in Darbhanga, Bihar.
- (2) Thirty Sixth Report on the representations concerning with the Ministries of Coal, Home Affairs and Railways.

3. The Committee also authorised the Chairman to finalise and present the Reports to the House.

The Committee then adjourned.

