

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1995-96)**

(TENTH LOK SABHA)

FIFTY-FOURTH REPORT

**MINISTRY OF PETROLEUM
AND
NATURAL GAS**

[Action Taken by Government on the recommendations contained in the Forty-Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Petroleum and Natural Gas—Reservation for and employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation Ltd.]



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**LOK SABHA SECRETARIAT
NEW DELHI**

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**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES**
(1995-96)

Shri Paras Ram Bhardwaj—Chairman

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4. Shri Gopal Singh	—	<i>Under Secretary</i>

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to finalise and submit the Report on their behalf, present this Fifty-Fourth Report (Tenth Lok Sabha) on Action Taken by Government on the recommendations of the Committee contained in their Forty-Second Report (Tenth Lok Sabha) on Ministry of Petroleum and Natural Gas—Reservation for and employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation Ltd.

2. The Report was considered and adopted by the Committee on 25 October, 1995.

3. The Report has been divided into the following chapters:—

I. Report.

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of Government.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

V. Recommendations/Observations in respect of which final replies of Government have not been received.

4. An analysis of the Action Taken by Government on the recommendations of the Committee contained in the Forty-Second Report is given in Appendix. It would be observed therefrom that out of 8 recommendations/observations contained in the Report, five recommendations i.e. 62.5 per cent have been accepted by Government. The Committee do not desire to pursue one recommendation i.e. 12.5 per cent of the total recommendations in view of Government replies. Two recommendations i.e. 25 per cent in respect of which replies of Government have not been accepted by the Committee required reiteration.

‘
NEW DELHI;
December, 1995

Agrahayana, 1917 (S)

PARAS RAM BHARDWAJ,

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

CHAPTER I

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Forty Second Report (Tenth Lok Sabha) on the Ministry of Petroleum and Natural Gas on Reservation for and employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation Limited.

1.2 The Forty Second Report was presented to Lok Sabha on 24th March, 1995. It contained 8 recommendations. Replies of the Government in respect of these recommendations have been examined and may be categorised as under:—

- (i) Recommendations/Observations which have been accepted by Government (Sl. Nos. 2, 3, 5, 6 and 7).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. No. 1).
- (iii) Recommendations/Observations replies to which have not been accepted by the Committee which need reiteration (Sl. Nos. 4 & 8).
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received. (NIL).

1.3 The Committee will now deal with the action taken replies of the Government which need reiteration or merit comment.

Board of Directors

Recommendation (No. 1, Para No. 1.5)

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

1.5 In their reply the Government have stated that the policy of the Government is to select Directors from amongst the persons with proven ability and good record in the fields of industry, commerce, administration, finance, etc. The recent Industrial Policy Statement has also re-affirmed the need for making the role of public sectors enterprises more

professional. At the same time, the claims of suitable SC/ST candidates who are otherwise competent and have the necessary background in industry, commerce, administration, finance, etc. for Board level appointments in the Central PSEs are always being considered. In keeping with this policy, and having regard to the recommendations of the Committee, it will be the Ministry's endeavour in future to appoint at least one person belonging to SC/ST as Director on the Board of Oil and Natural Gas Corporation Limited. As for the adoption of a policy for enforcement of the reservation roster to Board level appointments, this would come within the purview of the Department of Personnel and Training and Department of Public Enterprises.

1.6 The Committee note that the claims of suitable SC/ST candidates who are otherwise competent and have the necessary background in Industry, Commerce, Administration, Finance, etc. for the Board level appointments in Central PSEs are always being considered by the Ministry. The Committee also note that it will be the Ministry's endeavour in future to appoint atleast one person belonging to SC/ST as Director on the Board of ONGC. The Committee hope that this commitment will be enforced by the Government in both letter and spirit and if need be by giving necessary relaxation to SCs and STs in the appointment of Director on the Board of ONGC. The Committee desire that the matter of issuance of guidelines should be taken up with the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) and Ministry of Industry (Department of Public Enterprises) at their end and the Committee may be apprised of the outcome.

Promotion

Recommendation (No. 4, Para No. 3.11)

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

The Committee regret to note that there is no relaxation in the qualifying period of service for SCs/STs under seniority-cum-fitness (time bound) method. Consequently SC/ST employees are deprived of the benefits of reservation under this promotion criteria. The Committee,

therefore, recommend that the Ministry of Petroleum and Natural Gas should provide reservation to SCs/STs in promotion both under the time bound (seniority-cum-fitness) policy and merit criteria by relaxing the qualifying period of service in ONGC.

1.8 In their reply, the Ministry have stated that in the matter of promotion of employees from one level to another, upto 1982, ONGC was following the reservation guidelines. In 1983, ONGC introduced an additional mode of promotion, namely "Seniority-cum-Fitness Scheme", which was akin to the time-bound promotion system which is now in force in many PSUs. Under ONGC scheme, all employees with a certain number of years of service in the lower cadre, were promoted to the higher cadre irrespective of the existence of vacancies in the higher cadre. In this scheme of ONGC, no consideration was given to the relative merits of employees under consideration, except that those considered unfit were excluded.

Under its OM No. 6/27/85-BPE (SC/ST Cell) dated 29.6.87, BPE, Ministry of Industry issued guidelines regarding the design of Time-bound Promotion Scheme in PSUs. In this OM, BPE has explicitly stated that such schemes should not have certain types of features. The features in respect of reservation mentioned in the OM, were as under:

- (i) Provision for communal roster.
- (ii) Provision for upgradation of ACR of SC/ST employees.
- (iii) Provision for adoption of relaxed standards for assessing the suitability/fitness of SC/ST.

The rationale behind these guidelines appears to be that, the scheme has been introduced to ease stagnation in certain cadres; and since, the time-bound promotion is made without any link with availability of vacancies in the higher cadre, the question of reservation of certain slots does not arise.

It may be mentioned that the implementation of the Seniority-cum-Fitness Scheme of ONGC, which is akin to the Time-bound Promotion Scheme, adopted in other PSUs, can never operate against the interest of the employees belonging to the SC/ST communities. In fact, in several cadres, it has been found that this has led to promotions of SC/ST employees much in excess of the statutory percentage of reservation. For example, in promotions to E-2 level under the SCF Scheme in ONGC w.e.f. 1.1.1994, out of 42 employees promoted in the C&M discipline, 33 belonged to the Scheduled Caste and one to the Scheduled Tribe category.

1.9 The Committee are not satisfied with the reply of the Government as nothing has been indicated about promotion from discipline E2 to E3 and E3 to E4. Moreover, nothing has been mentioned about the merit criteria promotion for E2, E3 and E4 discipline. The Committee reiterate their recommendation that keeping in view the interest of SC/ST employees the

Ministry of Petroleum and Natural Gas and ONGC should provide reservation to SCs/STs in promotion both under the time bound Seniority-cum-fitness policy and merit criteria by relaxing the qualifying period of service in ONGC.

Complaints/Grievances

Recommendation (No. 8, Para No. 4.10)

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

1.11 The Government have replied that while considering transfer of SC/ST officers, guidelines/instructions issued by the G.O.I. are being followed.

The following corrective measures are being taken by ONGC to reduce the number of complaints pertaining to promotions of SC/ST employees:—

- (a) Patient hearing of the grievances of the SC/ST employees by all concerned officials.
- (b) Concerned officers are advised to give priority to redress the grievances of SC/ST employees.
- (c) The SC/ST employees are informed of the Government directives relating to SC/ST and rules of ONGC.
- (d) Further relaxation in eligibility criteria in promotion from E-1 to E-2 cadres is being given to SC/ST employees which is likely to reduce the number of complaints that are received on promotion

1.12 The Committee are not happy with the reply of the Government. The Committee feel that while the Ministry have explained about the complaints/grievance of SC/ST employees pertaining to "promotions" those relating to "Transfer" have not been clarified. The Committee desire that ONGC should take corrective measures so that the complaints of SC/ST employees are reduced to the minimum in respect of transfer also.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (No. 2, Para No. 2.8)

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

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

Reply of the Government

Since 1973 when reservation policy was implemented in ONGC concerted efforts are being made to clear the backlog and to fill up current reserved vacancies.

Due to the efforts made by ONGC, since 1973, the shortfall has been reduced from 6.5% and 7.5% for SC/ST respectively, to 2.43 and 2.46% for the appointments to Grade 'A' posts, as may be seen from the data given at Annexure-1.

It is added that ONGC has been making vigorous efforts to wipe out the backlog and further to reduce this shortfall by appointing suitable SC/ST candidates. Various concessions/relaxations are given to SC/ST candidates and they are selected for appointment even with the relaxed standard.

The following actions are being undertaken to attract the candidates particularly belonging to SC/ST:

- (a) Special recruitment drive for SC/ST to be completed by 30th Nov. '1995 has been launched to wipe out the backlog of SC/ST in ONGC in accordance with instructions of Govt. of India. —(refer Annexure-2).
- (b) Publicity through advertisements in the News Papers for reaching SC/ST areas.

(c) Holding recruitment tests in SC/ST concentration areas.

(d) Holding campus recruitment preferably in SC/ST area.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation (No. 3, Para No. 2.9)

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

Reply of the Government

The Govt. instructions on the subject, highlighted by the Parliamentary Committee, are already being complied with in ONGC. In future, also compliance of these instructions shall be ensured.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation (No. 5, Para No. 3.12)

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

Reply of the Government

Recommendation accepted and necessary orders are issued to concerned authorities in ONGC.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation (Sl. No. 6, Para No. 4.8)

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

Reply of the Government

For the cadres belonging to Group 'B' and below, the rapid promotions under the Seniority-cum-fitness scheme had led to a situation in which promotions through 'Selection-cum-merit' mode, is not brought into use. Also, within Group 'A', no reservation is provided in appointments made through promotion.

The recommendation of the Committee, with reference to the periodic inspection of the reservation rosters, has been noted and will be strictly complied with.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation (Sl. No. 7, Para No. 4.9)

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

Reply of the Government

Recommendation of the Committee is accepted for implementation. ONGC has issued instructions from time to time to Head of Projects & Regions to give sufficient representation to the SC/ST employees, while nominating for training. Copies of the circular office order etc. issued are enclosed for ready reference [Annexure-4 (i), 4(ii) and 4(iii)].

With these efforts, definite improvement has been observed during the year 1994-95 as reflected by the following figures:—

Year	Total persons sent	SC/ST sent for training abroad	Percentage SC/ST
1991-92	08	01	12.50
1992-93	19	02	10.52
1993-94	43	07	16.27
1994-95	63	14	22.20

[Ministry of Petroleum & Natural Gas O.M. No. J-13012/4/94/SCT,
Dated 25th September, 1995]

CHAPTER III

RECOMMENDATION/OBSERVATION WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES RECEIVED FROM THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.5)

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

Reply of the Government

The policy of the Government is to select Directors from amongst the persons with proven ability and good record in the fields of industry, commerce, administration, finance, etc. The recent Industrial Policy Statement has also re-affirmed the need for making the role of public sector enterprises more professional. At the same time, the claims of suitable SC/ST candidates who are otherwise competent and have the necessary background in industry, commerce, administration, finance, etc. for Board level appointments in the Central PSEs are always being considered. In keeping with this policy, and having regard to the recommendations of the Committee, it will be the Ministry's endeavour in future to appoint at least one person belonging to SC/ST as Director on the Board of Oil and Natural Gas Corporation Limited. As for the adoption of a policy for enforcement of the reservation roster to Board level appointments, this would come within the purview of the Department of Personnel and Training and Department of Public Enterprises.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation of the Committee

Pl. see para 1.6 of Chapter 1 of the Report

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE WHICH NEED REITERATION

Recommendation (Sl. No. 4, Para No. 2.11)

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

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

Reply of the Government

In the matter of promotion of employees from one level to another, upto 1982, ONGC was following the reservation guidelines. In 1983, ONGC introduced an additional mode of promotion, namely 'Seniority-cum-Fitness Scheme', which was akin to the time-bound promotion system which is now in force in many PSUs. Under ONGC scheme, all employees with a certain number of years of service in the lower cadre, were promoted to the higher cadre irrespective of the existence of vacancies in the higher cadre. In this scheme of ONGC, no consideration was given to the relative merits of employees under consideration, except that those considered unfit were excluded.

Under its OM No. 6/27/85-BPE (SC/ST Cell), dated 29.6.87, (refer Annexure-3) BPE, Min. of Industry issued guidelines regarding the design of Time-bound Promotion Scheme in PSUs. In this OM, BPE has explicitly stated that such schemes should not have certain types of features. The features in respect of reservation mentioned in the OM, were as under:

- (i) Provision for communal roster;
- (ii) Provision for upgradation of ACR of SC/ST employees.
- (iii) Provision for adoption of relaxed standards for assessing the suitability/fitness of SC/ST.

The rationale behind these guidelines appears to be that, the scheme has been introduced to ease stagnation in certain cadres; and since, the time-bound promotion is made without any link with availability of vacancies in the higher cadre, the question of reservation of certain slots does not arise.

It may be mentioned that the implementation of the Seniority-cum-Fitness Scheme of ONGC, which is akin to the Time-Bound Promotion Scheme, adopted in other PSUs, can never operate against the interest of the employees belonging to the SC/ST communities. In fact, in several cadres, it has been found that this has led to promotions of SC/ST employees much in excess of the statutory percentage of reservation. For example, in promotions to E-2 level under the SCF Scheme in ONGC w.e.f. 1-1-1994, out of 42 employees promoted in the C&M discipline, 33 belonged to the Scheduled Caste and one of the Scheduled Tribe category.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT, Dated 25th September, 1995]

Recommendation of the Committee

Pl. see para 1.9 of Chapter 1 of the Report

Recommendation (Sl. No. 8, Para No. 4.10)

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

Reply of the Government

While considering transfer of SC/ST officers, guidelines/instructions issued by the G.O.I. are being followed.

The following corrective measures are being taken by ONGC to reduce the number of complaints pertaining to promotions of SC/ST employees:—

- (a) Patient hearing of the grievances of the SC/ST employees by all concerned officials.
- (b) Concerned officers are advised to give priority to redress the grievances of SC/ST employees.
- (c) The SC/ST employees are informed of the Govt. directives relating to SC/ST and Rules of ONGC.
- (d) Further relaxation in eligibility criteria in promotion from E-1 to E-2 cadres is being given to SC/ST employees which is likely to reduce the number of complaints that are received on promotion.

[Ministry of Petroleum & Natural Gas O.M.No. J-13012/4/94/SCT Dated 25th September, 1995]

Recommendation of the Committee

Pl. see para 1.12 of Chapter 1 of the Report.

CHAPTER V

RECOMMENDATIONS AND OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED

—NIL—

NEW DELHI;
December 1995

Agrahayana 1917 (S)

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

APPENDIX

(*Vide* para 4 of the Introduction)

Analysis of the Action Taken by Government on recommendation contained in the Forty Second Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1. Total number of Recommendations	8
2. Recommendations/observations which have been accepted by Government (<i>vide</i> Recommendations at Sl. Nos. 2, 3, 5, 6 and 7)	
Number	5
Percentage of total	62.5%
3. Recommendations/observations which the Committee do not desire to pursue in view of Government replies (<i>vide</i> recommendations at Sl. No. 1)	
Number	1
Percentage of total	12.5%
4. Recommendations/observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration (<i>vide</i> recommendation at Sl. No. 4 and 8)	
Number	2
Percentage of total	25%
5. Recommendations/observations in respect of which final replies of Government have not been received (<i>vide</i> recommendations at Sl. No. NIL)	
Number	NIL
Percentage of total	NIL