

COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(2021-2022)

(SEVENTEENTH LOK SABHA)

TENTH REPORT

ON

MINISTRY OF COMMUNICATIONS  
(DEPARTMENT OF TELECOMMUNICATIONS)

Action taken by the Government on the recommendations contained in the third Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Ways and Means to ensure reservation for Scheduled Castes and Scheduled Tribes in the light of Privatization, outsourcing of work and contractual employment in Government Services, PSUs and Autonomous Bodies with special reference to Bharat Sanchar Nigam Limited (BSNL)".

Presented to Lok Sabha on 14.12.2021

Laid in Rajya Sabha on 14.12.2021



LOK SABHA SECRETARIAT  
NEW DELHI

December, 2021 / Agrahayan 1943 (Saka)

## CONTENTS

		<b>Page</b>
COMPOSITION OF THE COMMITTEE.....		(iii)
INTRODUCTION.....		(v)
CHAPTER I	Report.....	
CHAPTER II	Recommendations/Observations which have been accepted by the Government.....	
CHAPTER III	Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.....	
CHAPTER IV	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.....	
CHAPTER V	Recommendations/Observations in respect of which final replies of the Government have not been received.....	

## **APPENDICES**

- I. Minutes of the sitting of the Committee held on 10.12.2021
- II. Analysis of the Action Taken by the Government on the recommendations contained in the third Report (17<sup>th</sup> Lok Sabha).

**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED  
CASTES AND SCHEDULED TRIBES (2021-22)**

**Dr.(Prof.) Kirit Premjibhai Solanki - Chairperson**

**MEMBERS - LOK SABHA**

2. Shri Girish Chandra
3. Shri Santokh Singh Chaudhary
4. Shri Anil Firojiya
5. Shri Tapir Gao
6. Ms. Goddeti Madhavi
7. Smt. Pratima Mondal
8. Shri Ashok Mahadeorao Nete
9. Shri Vincent H. Pala
10. Shri Chhedi Paswan
11. Shri Prince Raj
12. Shri Andimuthu Raja
13. Shri Upendra Singh Rawat
14. Smt. Sandhya Ray
15. Shri Ajay Tamta
16. Shri Rebati Tripura
17. Shri Krupal Balaji Tumane
18. Shri Guman Singh Damor
19. Shri Rattan Lal Kataria
20. Shri Jagannath Sarkar

**MEMBERS - RAJYA SABHA**

21. Shri Abir Ranjan Biswas
22. Shri Shamsheer Singh Dullo
23. Smt. Kanta Kardam
24. Shri Naranbhai J. Rathwa
25. Shri Ram Shakal
26. Dr. Sumer Singh Solanki
27. Shri K. Somaprasad
28. Shri Pradeep Tamta
29. Shri Kamakhya Prasad Tasa
30. Shri Ramkumar Verma

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri D.R. Shekhar | - | Joint Secretary  |
| 2. | Shri P.C. Choulda | - | Director         |
| 3. | Shri V.K. Shailon | - | Deputy Secretary |
| 4. | Shri N.Touthang   | - | Under Secretary  |

## INTRODUCTION

I, the Chairperson, 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 Tenth Report (Seventeenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the third Report (Seventeenth Lok Sabha) on "Ways and Means to ensure reservation for Scheduled Castes and Scheduled Tribes in the light of Privatization, outsourcing of work and contractual employment in Government Services, PSUs and Autonomous Bodies with special reference to Bharat Sanchar Nigam Limited (BSNL)" pertaining to the Ministry of Communications (Department of Telecommunications).

2. The draft Report was considered and adopted by the Committee at their sitting held on [0.12.2021] (Appendix-II).

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

- I Report
- II Recommendations/Observations which have been accepted by the Government.
- III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
- IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the third Report (Seventeenth Lok Sabha) of the Committee is given in Appendix-II.

New Delhi;  
December, 2021  
अथ/६(२)२१, 1943(Saka)

**DR. KIRIT P. SOLANKI**  
**Chairperson**  
**Committee on the Welfare of**  
**Scheduled Castes and**  
**Scheduled Tribes.**

## CHAPTER I

### REPORT

This Report of the Committee on Welfare of Scheduled Caste and Scheduled Tribe deals with the action taken by the Government on the Observations/Recommendations contained in their Third Report (Seventeenth Lok Sabha) on "Ways and Means to ensure reservation for Scheduled Castes and Scheduled Tribes in the light of Privatization, outsourcing of work and contractual employment in Government Services, PSUs and Autonomous Bodies with special reference to Bharat Sanchar Nigam Limited (BSNL)" pertaining to the Ministry of Communications (Department of Telecommunications).

1.2 The Third Report (Seventeenth Lok Sabha) of the Committee was presented to Lok Sabha on 16<sup>th</sup> September, 2020, laid on the Table of Rajya Sabha on 16<sup>th</sup> September, 2020. The Report contained 10 Observations/Recommendations. Action Taken Replies in respect of all the Observations/Recommendations contained in the Report have been received from the Government. The Replies have been examined and categorised as follows:

I. Recommendations/Observations which have been accepted by the Government:

Recommendations Sl. Nos. 1, 2, 4, 5, 6, 7 & 10

(Total 7)  
Chapter II

II. Recommendations/Observations which the Committee do not desire to pursue in the light of the Replies received from the Government:

Recommendations Sl. Nos. 8

(Total 1)  
Chapter III

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

Recommendations Sl. Nos. 3 & 9

(Total 2)  
Chapter IV

IV. Recommendations/Observations in respect of which final replies of the Government are still awaited:

-NIL-

(Total 0)  
Chapter V

1.3 The Committee in the succeeding paragraphs will deal with the action taken by the Government on some of the Observations/Recommendations which merit comment or reiteration.

#### **Recommendation (Sl. No.1)**

1.4 The Committee in their Third Report (Seventeenth Lok Sabha) had recommended as under:

1.5 The Committee observe that Bharat Sanchar Nigam Limited (BSNL) is one of the largest and leading public sector undertaking providing comprehensive range of telecom services in India. BSNL has a strength of workforce of 153823 with 44983 in executive category and 108839 in non-executive category. The percentage of SC employees in executive category is 17.86% and in non-executive category is 18.73%. The percentage of ST employees in executive category is 6.01% and in non-executive category, it is 5.35%. In view of the ongoing revival plan, there is a likelihood of substantial changes in man-power composition at different levels in the organizations. The Committee observe that though representatives of SC in executive and non-executive category of posts is adequate, the representation of Scheduled Tribes (ST) in executive and non-executive grade which are 6.01% and 5.35% respectively is however below the required level of 7.5% for STs. The Committee strongly recommend that the management of BSNL should maintain strictly the prescribed percentage of reservation of SCs/STs in all executive and non-executive posts. The Committee re-emphasize the fact that it is mandatory to maintain percentage of reservation for STs to ensure more opportunity for the STs. The Committee, therefore, recommend the BSNL to take concerted efforts to fill up the shortage of ST representation in both executive and non-executive grade at the earliest and inform the Committee of the exercise undertaken in this regard.

#### **Reply of the Government**

1.6 The Ministry of Communication, Department of Telecommunication in their action taken reply have stated as under:-

“After implementation of Voluntary Retirement Scheme (VRS)-2019 in BSNL there has been substantial changes in man-power composition at different levels after 31.01.2020. At present BSNL has a strength of workforce of 65709 with 30323 in Executive category and 35386 in Non-executive category. The number of working SC employees in executive category is 6089 (i.e 20.08%) and in non-executive category is 7408 (i.e.20.93%).The number of working ST employees in Executive category is 2189 (i.e. 7.21%) and in non-executive category is 2284 (i.e.6.45%). It is further submitted that the reservation of SC & ST category in Direct Recruitment as well as in promotion to posts in BSNL is as per the percentage prescribed under the policy in force as applicable from time to time (i.e. 15% for SC and 7.5% for ST).

The percentage of working SC employees in the organization is more than that of prescribed level whereas the percentage of working ST employees has a slight shortfall of 0.29% in executive category and 1.05% in non-executive category. It is because of the fact that in BSNL all non-executive cadres and JTO in executive cadre in which recruitment is mainly made are SSA/Circle cadres (SSA/Circle are more or less District/State level bodies respectively) where only Regional Roster is used as per the prescribed percentage for ST in particular State. The prescribed percentage of reservation for SC/ST varies from State to State and in many States, the prescribed percentage of reservation for ST is less than 7.5% as prescribed for recruitment on All India Basis. In some States, prescribed percentage for STs is Nil also. During the direct recruitment, the prescribed percentage of SC/ST posts are being filled as per the Regional Roster of the State.

After implementation of VRS-2019, the number of posts justified at different levels are being worked out. Accordingly, whenever there is direct recruitment in future, the shortfall, if any, in their respective level/category will be taken care of. All the vacancies at different levels/cadres shall be filled as per extant Government guidelines”.

#### Comments of the Committee

1.7 The Committee note that BSNL has assured that whenever there will be direct recruitment in future, the shortfall, if any, in their respective level/category would be taken and filled as per extant Government guidelines. The Committee observe that after implementation of voluntary Retirement Scheme (VRS) - 2019 percentage of ST working employees has a slight shortfall of 0.29% in executive category and 1.05% in non-executive side. The Committee therefore recommend that it is now imperative from the part of BSNL that a suitable monitoring mechanism may be evolved to monitor and to strictly ensure that the prescribed percentage of representation in both executive and non-executive grade for SCs/STs is maintained properly without any hindrance in future by ensuring for maintaining the required level of reservation i.e. 15% for SC and 7.5% for ST. The Committee also strongly recommend that all SCs and STs in executive and non-executive who have taken VRS should not be made subject of victim for stopping their pension in the name of fake complaint of caste verification. The Committee may be provided status report in this regard.

#### Recommendation (Sl. No. 2)

1.8 The Committee in their Third Report (Seventeenth Lok Sabha) had recommended as under:

“While analysing the implementation of Hon'ble Supreme Court Order dated 17.5.2018 and DOPT OM No. F. No. 36012/11/2016- Estt (Res-I) {Pt-II} dated 15.6.2018 regarding reservation in promotion by the Ministry of Communications (Department of Telecommunications) in Bharat Sanchar Nigam Limited (BSNL), the Committee observed that the main impediment

that stands in the way of promotion of SC/ST employees is the filing of OA No. 060/332/2017 on 28.3.2017 before Hon'ble Central Administrative Tribunal (CAT) Chandigarh in the matter of reservation in promotion to Chief Account Officer (CAO) grade which was subsequently vacated vide order dated 07.09.2018. However, the case is still sub-judice and the last hearing held on 02.03.2020. The Committee are, however, distressed to observe that while granting promotion by BSNL vide order dated 20.11.2018 the application of 'own merit' concept in matter of promotion of AO to CAO was postponed till clarity on the matter emerges and keeping matching number of seats as vacant. The Committee are given to understand that application of 'own merit' concept for promotion of SDEs (T) to DEs (T) issued vide order dated 29.6.2018 had resulted in filing of contempt case against the Management of BSNL in CAT Chandigarh and to avoid it the CPC restricted the percentage of Scheduled Castes and Scheduled Tribes to 15% to 7.5% respectively. This very situation denied legitimate rights of promotion to 124 (including 33 SCs on seniority cum merit) whereas their junior from unreserved category candidates were promoted. It is further noted that even seniority of reserved candidates' i.e. consequential seniority resulting from reservation in previous promotion to AO grade which is the feeder grade for CAO of reserved category candidates is also under challenge in Hon'ble CAT Chandigarh. The outcome of this court case may affect either way the seniority of the aforesaid left out candidates. It has been also stated that the promotion order dated 20.11.2018 was issued subject to any modification or direction which may be issued by courts dealing with the subject matter. From the above way of working of the Ministry, the Committee are of the view that the Ministry must handle the cases of reservation in promotion as per the judgement of the Supreme Court and DOPT order issued in June, 2018 so that legitimate right of SC/ST promotion on seniority-cum-merit would have been upheld without wasting considerable time. The Committee also feel that the Ministry of Communications (Department of Telecommunications) and BSNL should have consulted Ministry of Law and Justice (Department of Legal Affairs) at the time of disposal and address these issue in the right direction. The Committee strongly deplore the casual approach of the Ministry in this regard. The solution to the problem so that affected SC/ST employees may get their due benefits with retrospective effect as per the DoPT guidelines on the reservation and Supreme Court Judgement of May, 2018".

### Reply of the Government

1.9 BSNL follows DoP&T guidelines issued from time to time on the subject matter. As per the directions of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, DoT in coordination with BSNL sought clarification on the issue of Catch-up rule etc. from DoP&T. The clarification received vide DoP&T Letter No. 36028/1/2020-Estt(Res-I) dated 28.04.2020 is enclosed as **Annexure -A**. In the clarification, it is mentioned that the issue regarding Catch-up rule etc. is sub-judice before the Hon'ble Supreme Court.

Further, a separate reference was made to Department of Legal Affairs for seeking the considered legal advice/opinion of the Ld. AG for India and the same



was communicated to BSNL vide DoT letter no. 10-01/2017- SCT (Vol.IV) Pt.II dated 13.10.2020 (enclosed as **Annexure -B**). In the clarification, it is mentioned that in respect to the Union of India, an IA has been filed for clarification of the Orders dated 17.5.2018, 05.06.2018 and 15.04.2019 of the Hon'ble Supreme Court, regarding making ad-hoc promotions to large number of vacant posts, it has been mentioned that Hon'ble Supreme Court has directed vide order dated 22.07.2020 to consider the IA at the time of final disposal of the main matter i.e. Jarnail Singh batch of cases. Further, the opinion of Ld. Attorney General of India, as mentioned in the aforesaid clarification received from Department of Legal Affairs is reproduced below:-

*".....In my (Ld.AG for India) view, therefore, it may not be appropriate to address this query at this stage. The further course of action, if any, may be decided after the decision of the Supreme Court in the Jarnail Singh batch of cases."*

In view of the above, DoT/ BSNL are constrained from taking any further action on the issue of reservation, own-merit, catch-up rule etc. at this stage. However, BSNL has filed SLP(C) No. 015148/2020 in the Hon'ble Supreme Court titled BSNL Vs Prakash Vir on 05.11.2020 against the Hon'ble CAT Chandigarh order dated 25.02.2020 in O.A No. 332/2017.

The status of the Court case(s) in the matter of reservation in promotion in AO to CAO grade- case of Prakash Vir and Anupam Yadav is enclosed as **Annexure-C & Annexure-D** respectively.

#### Comments of the Committee

**1.10.** The Committee do not approve the manner in which case of SC/ST reservation on merit was dealt by the Ministry. The Committee strongly desire that efficacious effort be made by the Ministry of Communications to address this issue in the Court of Law in a right directions so that adversely affected SCs/STs employees may get their legitimate due with retrospective effect in the grade of AO to CBO. Status report to this effect may be provided to the Committee.

#### Recommendation (Sl. No. 3)

**1.11.** The Committee note that due to stay order of CAT Chandigarh, the Ministry of Communications (Department of Telecommunications) might not issue promotion order of 124 SC/ST officials for the post of AO to CAO since 30.11.2018. The Committee for the purpose held 6 meetings and tried to impress upon the Ministry and BSNL from time to time to implement the Hon'ble Supreme Court order of 17 May, 2018 for reservation and subsequent DoPT OM dated 15.6.2018 but they failed to execute the said order due to stay order of CAT Chandigarh in the matter. Views of the Committee was also endorsed by the Law

Secretary during the evidence before the Committee by deposing that Ministry did not present the case before CAT Chandigarh in right direction. In view of the above, the Committee are of the firm view that the Ministry of Communications (Department of Telecommunications) as per the advice of the Ministry of Law & Justice (Department of Legal Affairs) should take up the legal course of action in the High Court against the stay order of CAT Chandigarh to implement orders of the Supreme Court and DoPT to facilitate promotion of SC/ST candidates left out in the grade of AO to CAO with all consequential benefits. The Committee desire that responsibility for legal lapses committed by the officials may be fixed. The Committee further recommend that considering the own merit concept, a DPC for the other left out 87 SC/ST officers should be held urgently to provide them their due promotion with all consequential benefits as per Supreme Court order. The Committee are of the view that Department of Telecommunications/BSNL should present their case in High Court in accordance with Supreme Court order and BSNL must ensure that matter of SCs/STs be presented in the High Court in right direction.

Meanwhile, the Committee also desire that the Ministry should also explore the probability of extending ad hoc promotion to SC/ST officials subject to final judgement of Supreme Court in the matter of reservation in promotion.

#### Reply of the Government

1.12 With regard to the observations/recommendations of the Hon'ble Parliamentary Committee on Welfare of SCs & STs, to take up legal course of action in Hon'ble High Court against the stay order of CAT Chandigarh to implement orders of the Hon'ble Supreme Court and DoP&T to facilitate promotion of SC/ST candidates left out in the grade of AO to CAO with all consequential benefits, it is submitted that a WP was filed by BSNL before High Court of Punjab & Haryana (CWP No. 9614/2019) against CAT, Chandigarh interim orders dated 30.11.2018 and 19.03.2019. The CWP 9614/2019 has been disposed of by the Hon'ble Court on 28.01.2020 with the following directions.

*"....Keeping in view the totality of facts and circumstances as well as the conceded fact that the pleadings before the learned CAT in the aforesaid application are complete and hearing is now fixed on 26.03.2020, we deem it appropriate to dispose of the present writ petition with direction to the learned CAT to decide at least the application moved by the BSNL for vacation/modification of the initial impugned orders within 15 days of next date of hearing. Learned counsel for the parties, more or less, agree to the aforesaid direction. The learned CAT is also requested to make an endeavour to dispose of the main original application at the earliest. Disposed of, accordingly."*

The OA No.1435/2018 in Hon'ble CAT, Chandigarh was listed for hearing on 26.03.2020, but due to nationwide lockdown because of Covid- 19 pandemic the hearing could not happen and listed again for hearing on 10.08.2020,

06.11.2020 and then on 09.02.2021. On 09.02.2021, the Hon'ble Court has adjourned the matter for final arguments on 19.03.2021.

Further it is submitted that the matter regarding providing reservation to SCs/STs is pending in the Hon'ble Supreme Court in the matter of 30621/2011 titled Jarnail Singh vs. Lachhmi Narain Gupta. It is further stated that more than 100 similar cases including the cases of BSNL are tagged with this case. The matter is pending for final adjudication by Hon'ble Supreme Court.

1.13 With regard to the fixing of responsibility for legal lapses, it is submitted that a fact finding committee was constituted to examine the various issues raised in connection with promotion of AO to CAO issued vide order dated 20.11.2018. e.g. seniority issues, non-applying own-merit concept etc. The present CLO(SCT), BSNL was also a member of the committee. On examination of the case and issues/complaints/legal opinion, Committee members observed that no clarity has emerged on the issue even after seeking clarification/opinion from Ld.SG/ASG/Sr. Advocate. Further, inter alia, the said fact finding committee observed that Corporate Promotion Committee (CPC) dated 19.11.2018 to the grade of CAO from the grade of AO was conducted in fully transparent manner.

The status of the related Court case(s) in the matter of reservation in promotion in AO to CAO grade-case of Anupam Yadav is enclosed as Annexure-D.

#### Comments of the Committee

1.14 The Committee are surprised at the casual approach of the Ministry while dealing with an important recommendation of the Committee regarding providing ad-hoc promotion to SC/ST official subject to final judgment of the Supreme Court. The Committee take a serious note of the fact that even after a lapse of more than two years the Ministry failed to obtain any tangible results from the Hon'ble CAT Chandigarh regarding facilitating and ensuring the due promotion of the SC & ST candidates left out in the grade of AO to CAO with all consequential benefits. Although the Committee acknowledges efforts of the Ministry, however, the Committee feel that it is a matter of grave concern that the matter is still pending for final adjudication by the Hon'ble Supreme Court. Merely pursuing the same would yield no results unless the Ministry follow up the cases with sincerity towards ultimate disposal of the case thereby ensuring the promotions of the SC/ST employees. The Ministry is also completely silent on the issue of extending adhoc promotion to SC/ST officials which itself indicates that the Ministry is unwilling to either extend adhoc promotion to the said officials or having lackadaisical attitude towards the effected SC/ST employees. The Committee has taken serious view on the casual approach of the Ministry for an important recommendation of the Committee. The Committee expects the Ministry to take concrete steps in this regard instead of a mere reply that the same is being pursued and pending for final adjudication. The Committee are of the firm view that these promotion matter should be steadfastly followed and immediately implemented as per rules/guidelines of reservation for promotion.

The Committee, therefore, once again reiterates its recommendation that BSNL must ensure that the matter of promotions of adversely affected SCs/STs employees be presented in the Apex Court of Law in right direction so that final judgement on the matter may be speedily disposed off in the interest of SCs and STs at the earliest.

#### Recommendation (Sl. No. 7)

1.15 The Committee note that 133 cases of false caste certificate in BSNL are pending at various stages of investigation. The Committee, therefore, recommend that in proven cases of false caste certificates, the Management should outrightly terminate the service of the incumbent as per order of Supreme Court in this regard. The Committee also recommend that 13 cases pending due to disciplinary proceedings, investigations and court cases should be expedited and disposed of at the earliest. The Committee further recommend that for the cases pending with state level scrutiny Committee a strong reminder should be sent to the concerned State Government for expeditious disposal. The Committee felt that no useful purpose will be served by deliberately delaying the matter and therefore a concrete and early action should be taken by the Government against the false/fabricated SC/ST Caste Certificate.

#### Reply of the Government

1.16 As per the report submitted to Parliamentary Committee on Welfare of SCs and STs, 109 cases of false caste certificate were pending with District Level Scrutiny Committee (**herein after referred as DLSC**)/State Level Scrutiny Committee (**herein after referred as SLSC**). Presently, 25 cases have been closed and remaining 84 cases are still pending with concerned DLSC/SLSC.

As regard the observation of Parliamentary Committee about 13 cases pending due to disciplinary proceedings, investigation & court cases, the details in this regard are given succinctly as under –

Removal from service	Closed being genuine case	Court case was against BSNL. Court judgment in favor of BSNL	Pending due to disciplinary proceeding, investigation and court cases
01	04	02	06

Efforts are being made to expedite the above cases. Further, Secretary, DoT and CMD, BSNL have been regularly requesting concerned State Authorities for early action in the matter. Despite the best efforts, verification report is still awaited in a large number of cases from many State Level Scrutiny Committees (SLSC)/ District Level Scrutiny Committees (DLSC) (**Annexure G-I, II, III & IV**).

### Comments of the Committee

1.17 The Committee note that efforts are being made by the Ministry of Communications to expedite the cases w.r.t verification against false/fabricated SC/ST Caste Certificate. However, the Committee are concerned to note that even after a long gap of time a large number of cases are still pending either from the State Level Scrutiny Committee(SLSC) or District Level Scrutiny Committee(DLSC). The Committee would like the Ministry to take up matter with the State Government to pursue it vigorously to get the caste certificate verified timely by SLSC or DLSC. The Committee may be informed about the outcome of this exercise.

### Recommendation (Sl. No.9)

1.18 The Committee note that BSNL being a very large organisation with huge manpower and establishment/offices spread across the country are outsourcing jobs/works to contractors. The Committee note that BSNL has outsourced some specific non-core works to contractors who in turn employ/engage contract labourers to accomplish the work through approved tender. BSNL also stated that as a Principal Employer it ensures that applicable statutory provisions of labour laws in respect of contract labourers are complied with by the contractors. The Committee, therefore, recommend that when BSNL being a Principal Employer enter into contract, there should be a contract clause for implementation of SCs and STs reservation policy to be followed by the Contractor while engaging the workers. Further, the Committee also recommend the BSNL to ensure minimum wages, safety and security to all contractual and outsourced worker specially women employees engaged to work in BSNL.

### Reply of the Government

1.19 Engagement of contract labour is done by the contractor as per the requirement of the work under the contract. BSNL as principal employer does not give any directions to the contractor on employment of contract labour including any reservation for SCs/STs as per the existing guidelines.

BSNL as a principal employer ensures that all statutory facilities such as minimum wages, safety and security to all contractual and outsourced worker especially woman employees engaged to work in BSNL are provided. As principal employer BSNL invariably nominates representatives to oversee that all statutory provisions of Contract labour laws and guidelines are followed by contractors.

### Comments of the Committee

1.20 The Committee feel that above reply by the Government shows the lack of sincerity on their part to provide due representation/reservation for SCs/STs for the recruitment of contractual labourers/workers as it was stated in the reply that "BSNL as principal employer does not give any directions to the contractor on employment of contract labour including any reservation for SCs/STs as per the existing guidelines". The Committee feel that as a part of the government's initiatives to reach out to the marginalized communities reservation/representation policy should be applied to all the jobs including contract works as also for time-bound assignments and outsourced work within the Ministry that are non-permanent in nature. The Committee also feel that since salaries to the contractual and part-time employees are being paid by the government from the Consolidated Funds of India and with the approval of the BSNL and therefore it would be appropriate that the constitutional provisions of the reservation policy are ensured for these appointments as well. The Committee, therefore, reiterated their recommendations to the Ministry that being a Principal Employer and also keeping in view the economic and social conditions of SCs/STs, the Ministry should apply the rule of quota while employing contractual labourers to ensure due representation of SC/ST at all the level.

The Committee, however, lay stress that all statutory facilities as mentioned by BSNL such as minimum wages, safety and security to all contractual and outsourced worker especially woman employees engaged to work in BSNL are provided on ground level also. The Committee may be informed about the details of SCs/STs women working in BSNL in group D and were placed at outsourced/contractual labour during the last five years and their status of difference in salaries and other allowances being paid thereafter.

## CHAPTER - II

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No. 1)**

2.1 The Committee observe that Bharat Sanchar Nigam Limited (BSNL) is one of the largest and leading public sector undertaking providing comprehensive range of telecom services in India. BSNL has a strength of workforce of 153823 with 44983 in executive category and 108839 in non-executive category. The percentage of SC employees in executive category is 17.86% and in non-executive category is 18.73%. The percentage of ST employees in executive category is 6.01% and in non-executive category, it is 5.35%. In view of the ongoing revival plan, there is a likelihood of substantial changes in man-power composition at different levels in the Organizations. The Committee observe that though representatives of SC in executive and non-executive category of posts is adequate, the representation of Scheduled Tribes (ST) in executive and non-executive grade which are 6.01% and 5.35% respectively is however below the required level of 7.5% for STs. The Committee strongly recommend that the management of BSNL should maintain strictly the prescribed percentage of reservation of SCs/STs in all executive and non-executive posts. The Committee re-emphasize the fact that it is mandatory to maintain percentage of reservation for STs to ensure more opportunity for the STs. The Committee, therefore, recommend the BSNL to take concerted efforts to fill up the shortage of ST representation in both executive and non-executive grade at the earliest and inform the Committee of the exercise undertaken in this regard.

#### **Reply of the Government**

2.2 The Ministry of Communication, Department of Telecommunication in their action taken reply have stated as under:-

"After implementation of Voluntary Retirement Scheme (VRS)-2019 in BSNL there has been substantial changes in man-power composition at different levels after 31.01.2020. At present BSNL has a strength of workforce of 65709 with 30323 in Executive category and 35386 in Non-executive category. The number of working SC employees in executive category is 6089 (i.e 20.08%) and in non-executive category is 7408 (i.e.20.93%). The number of working ST employees in Executive category is 2189 (i.e. 7.21%) and in non-executive category is 2284 (i.e.6.45%). It is further submitted that the reservation of SC & ST category in Direct Recruitment as well as in promotion to posts in BSNL is as per the percentage prescribed under the policy in force as applicable from time to time (i.e. 15% for SC and 7.5% for ST).

The percentage of working SC employees in the organization is more than that of prescribed level whereas the percentage of working ST employees has a slight shortfall of 0.29% in executive category and 1.05% in non-executive category. It is because of the fact that in BSNL all non-executive cadres and JTO in executive cadre in which recruitment is mainly made are SSA/Circle cadres (SSA/Circle are more or less District/State level bodies respectively) where only Regional Roster is used as per the prescribed percentage for ST in particular State. The prescribed percentage of reservation for SC/ST varies from State to State and in many States, the prescribed percentage of reservation for ST is less than 7.5% as prescribed for recruitment on All India Basis. In some States, prescribed percentage for STs is Nil also. During the direct recruitment, the prescribed percentage of SC/ST posts are being filled as per the Regional Roster of the State.

After implementation of VRS-2019, the number of posts justified at different levels are being worked out. Accordingly, whenever there is direct recruitment in future, the shortfall, if any, in their respective level/category will be taken care of. All the vacancies at different levels/cadres shall be filled as per extant Government guidelines”.

### Comments of the Committee

2.3 Please see Para No. 1.7 of Chapter I.

### Recommendation (Sl. No. 2)

2.4 The Committee in their Third Report (Seventeenth Lok Sabha) had recommended as under:

“While analysing the implementation of Hon'ble Supreme Court Order dated 17.5.2018 and DOPT OM No. F. No. 36012/11/2016- Estt (Res-I) {Pt-II} dated 15.6.2018 regarding reservation in promotion by the Ministry of Communications (Department of Telecommunications) in Bharat Sanchar Nigam Limited (BSNL), the Committee observed that the main impediment that stands in the way of promotion of SC/ST employees is the filing of OA No. 060/332/2017 on 28.3.2017 before Hon'ble Central Administrative Tribunal (CAT) Chandigarh in the matter of reservation in promotion to Chief Account Officer (CAO) grade which was subsequently vacated vide order dated 07.09.2018. However, the case is still sub-judice and the last hearing held on 02.03.2020. The Committee are, however, distressed to observe that while granting promotion by BSNL vide order dated 20.11.2018 the application of 'own merit' concept in matter of promotion of AO to CAO was postponed till clarity on the matter emerges and keeping matching number of seats as vacant. The Committee are given to understand that application of 'own merit' concept for promotion of SDEs (T) to DEs (T) issued vide order dated 29.6.2018 had resulted in filing of contempt case



against the Management of BSNL in CAT Chandigarh and to avoid it the CPC restricted the percentage of Scheduled Castes and Scheduled Tribes to 15% to 7.5% respectively. This very situation denied legitimate rights of promotion to 124 (including 33 SCs on seniority cum merit) whereas their junior from unreserved category candidates were promoted. It is further noted that even seniority of reserved candidates' i.e. consequential seniority resulting from reservation in previous promotion to AO grade which is the feeder grade for CAO of reserved category candidates is also under challenge in Hon'ble CAT Chandigarh. The outcome of this court case may affect either way the seniority of the aforesaid left out candidates. It has been also stated that the promotion order dated 20.11.2018 was issued subject to any modification or direction which may be issued by courts dealing with the subject matter.

From the above way of working of the Ministry, the Committee are of the view that the Ministry must handle the cases of reservation in promotion as per the judgement of the Supreme Court and DOPT order issued in June, 2018 so that legitimate right of SC/ST promotion on seniority-cum-merit would have been upheld without wasting considerable time. The Committee also feel that the Ministry of Communications (Department of Telecommunications) and BSNL should have consulted Ministry of Law and Justice (Department of Legal Affairs) at the time of disposal and address these issue in the right direction. The Committee strongly deplore the casual approach of the Ministry in this regard. The solution to the problem so that affected SC/ST employees may get their due benefits with retrospective effect as per the DoPT guidelines on the reservation and Supreme Court Judgement of May,2018".

### Reply of the Government

2.5 BSNL follows DoP&T guidelines issued from time to time on the subject matter. As per the directions of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, DoT in coordination with BSNL sought clarification on the issue of Catch-up rule etc. from DoP&T. The clarification received vide DoP&T Letter No. 36028/1/2020-Estt(Res-I) dated 28.04.2020 is enclosed as **Annexure -A**. In the clarification, it is mentioned that the issue regarding Catch-up rule etc. is sub-judice before the Hon'ble Supreme Court.

Further, a separate reference was made to Department of Legal Affairs for seeking the considered legal advice/opinion of the Ld. AG for India and the same was communicated to BSNL vide DoT letter no. 10-01/2017- SCT (Vol.IV) Pt.II dated 13.10.2020 (enclosed as **Annexure -B**). In the clarification, it is mentioned that in respect to the Union of India, an IA has been filed for clarification of the Orders dated 17.5.2018, 05.06.2018 and 15.04.2019 of the Hon'ble Supreme Court, regarding making ad-hoc promotions to large number of vacant posts, it has been mentioned that Hon'ble Supreme Court has directed vide order dated 22.07.2020 to consider the IA at the time of final disposal of the main matter i.e. Jarnail Singh batch of cases. Further, the opinion of Ld. Attorney General of India, as mentioned in the aforesaid clarification received from Department of Legal Affairs is reproduced below:-

*".....In my (Ld.AG for India) view, therefore, it may not be appropriate to address this query at this stage. The further course of action, if any, may be decided after the decision of the Supreme Court in the Jarnail Singh batch of cases."*

In view of the above, DoT/ BSNL are constrained from taking any further action on the issue of reservation, own-merit, catch-up rule etc. at this stage. However, BSNL has filed SLP(C) No. 015148/2020 in the Hon'ble Supreme Court titled BSNL Vs Prakash Vir on 05.11.2020 against the Hon'ble CAT Chandigarh order dated 25.02.2020 in O.A No. 332/2017.

The status of the Court case(s) in the matter of reservation in promotion in AO to CAO grade- case of Prakash Vir and Anupam Yadav is enclosed as **Annexure-C & Annexure-D** respectively.

#### **Comments of the Committee**

2.6 Please see Para No. 1.10 of Chapter I.

#### **Recommendation (Sl. No.4)**

2.7 The Committee are also concerned about huge backlog of vacancies in Telecom Department especially in the grade of AGM to DGM. In view of ongoing restructuring plan of the Company and VRS option offered to its employees, the Committee feel that the Management will be in a position to analyse the position of remaining staff and vacancies after closure of the scheme. The Committee, therefore, recommend that left out SC/ST vacancies in all grades including from AGM to DGM should be filled by promotion/recruitment as per DoP&T norms at the earliest. The Department should also initiate to launch special drive to fill up the said backlog vacancies in a time frame.

#### **Reply of the Government**

2.8 Voluntary Retirement Scheme known as BSNL VR Scheme -2019 was launched, wherein more than 78500 employees have taken voluntary retirement from BSNL, by availing the said VR Scheme, on 31.01.2020. BSNL VRS- 2019 was brought primarily for the purpose of reducing manpower. It was mentioned in the VRS 2019 Scheme that there shall be no recruitment in BSNL against the posts falling vacant on account of voluntary retirement under the Scheme, and these posts will be abolished. The number of posts justified at different levels/ grades in post-VRS scenario is being worked out by Restructuring Cell of BSNL in coordination with HR consultant and shall be filled up, as per extant Government guidelines.

### Recommendation (Sl. No. 5)

2.9 The Committee appreciate that for the welfare of the wards of SCs/STs employees, the BSNL has every year granted book awards of Rs.600/- to Rs.1000/- per annum depending upon the class of the student and also scholarship amount of Rs.180/- to Rs.600/- per month depending on the course the student pursued in recognized college/institution. The Committee also observe that BSNL has approximately 26,209 SC/ST employees in non-executive grade alone whose wards could have been the beneficiary of these financial assistance doled out by the company. However, there is no mentioned of the details of the beneficiary to assess the impact of the assistance on the live and career of the wards of the SC/ST employees. The Committee, therefore, recommend that the details of the number of SC/ST student beneficiaries and the amount granted/sanctioned during the last three years.

### Reply of the Government

2.10 The details of the SC/ST student beneficiaries for the last three years is as follows:

A. Book Award for the financial year 2017-18, 2018-19 & 2019-20

Number of SC/ST students granted Book Award			Amount granted /sanctioned for SC/ST students as book awards in Rupees		
SC	ST	Total	SC	ST	Total
1263	335	1598	10,69,520	2,79,160	13,48,680

B. Scholarship Award details for financial year 2017-18, 2018-19 & 2019-20

Number of SC/ST students granted Scholarship Award			Amount granted /sanctioned for SC/ST students as Scholarship awards in Rupees		
SC	ST	Total	SC	ST	Total
553	126	679	31,82,880	7,83,560	39,66,440

Details of Book Award enclosed as **Annexure E**.

Details of Scholarship Award enclosed as **Annexure F**.

### Recommendation (Sl. No. 6)

2.11 During the evidence, the Committee observed that periodical meeting with the SC/ST Employees Welfare Association (SEWA) was held in 2018, however, it is mandatory on the part of Management of BSNL to hold regular quarterly meeting with SC/ST Employees Welfare Association. The Committee therefore, recommend that the Management should hold regular quarterly meeting with the SEWA and allow them to express their grievances/problems freely and also redress the same within a time frame.

The Committee further recommend that while making posting and transfer of staff, the interest of office bearers of SC/ST Employees Welfare Association should be kept in mind so that their place of posting do not collide with the discharge of his official duties as well as welfare activities of the Association.

#### Reply of the Government

2.12 It is submitted that BSNL management had held a meeting with General Secretary of SEWA (SC/ST Employees Welfare Association of BSNL) on 30.9.2020 amid COVID conditions, keeping in view all Standard Operating Procedures as per Government of India guidelines. Further meetings with the office bearers of SEWA shall be held on regular intervals and even otherwise CLO(SCT), BSNL is always available for redressal of grievances/problems of SC/ST employees in accordance with guidelines issued from DoP&T in the matter.

Instructions/circulars have been issued by BSNL from time to time addressing their concerns regarding posting/transfer of office bearers of SEWA.

#### Recommendation (Sl. No.7)

2.13 The Committee note that 133 cases of false caste certificate in BSNL are pending and in various stages of investigation. The Committee, therefore, recommend that in proven cases of false caste certificates, the Management should outrightly terminate the service of the incumbent as per order of Supreme Court in this regard. The Committee also recommend that 13 cases pending due to disciplinary proceedings, investigations and court cases should be expedited and disposed of at the earliest. The Committee further recommend that for the cases pending with state level scrutiny Committee a strong reminder should be sent to the concerned State Government for expeditious disposal. The Committee felt that no useful purpose will be served by deliberately delaying the matter and therefore a concrete and early action should be taken by the Government against the false/fabricated SC/ST Caste Certificate.

#### Reply of the Government

2.14 As per the report submitted to Parliamentary Committee on Welfare of SCs and STs, 109 cases of false caste certificate were pending with District Level Scrutiny Committee (**herein after referred as DLSC**)/ State Level Scrutiny Committee (**herein after referred as SLSC**). Presently, 25 cases have been closed and remaining 84 cases are still pending with concerned DLSC/SLSC.

As regard the observation of Parliamentary Committee about 13 cases pending due to disciplinary proceedings, investigation & court cases, the details in this regard are given succinctly as under –

Removal from service	Closed being genuine case	Court case was against BSNL. Court judgment in favor of BSNL	Pending due to disciplinary proceeding, investigation and court cases
01	04	02	06

Efforts are being made to expedite the above cases.

Further, Secretary, DoT and CMD,BSNL have been regularly requesting concerned State Authorities for early action in the matter. Despite the best efforts, verification report is still awaited in a large number of cases from many State Level Scrutiny Committees (SLSC)/ District Level Scrutiny Committees (DLSC) (Annexure G–I, II, III & IV).

**2.15 Please see Para No. 1.17 of Chapter I.**

#### **Recommendation (Sl. No. 10)**

2.16 The Committee note that in the light of Hon'ble High Court of Punjab and Haryana decision on 28.01.2020 pertaining to CWP 9614/2019 filed by BSNL against Shri Anupam Yadav and others, the OA No. 750/2018 filed by Shri Ramesh Kumar in CAT Chandigarh in matter related to the case of promotion from SDE(T) to DE/AGM (T) as well as CP No. 92/2018 in OA No.750/2018 filed by him are also disposed on 25.02.2020. However, it has been stated that the CAT orders are yet to be received and nothing is known about the verdict of the court on promotion of SC/ST employees SDE(T) to DE/AGM (T). The Committee therefore, recommend the BSNL to furnish the details of consequential benefits in promotion of SC/ST employees after disposal of the aforesaid cases at the earliest. The Committee also recommend that the legal issues which are likely to affect the interest of SC/ST employees should be dealt urgently and with utmost sincerity to safeguard their interest. For the purpose, if necessary, the Ministry should take advice of the highest level of the Ministry of Law to tackle the issue of reservation of SCs and STs in the right direction in consonance with the DoP&T guidelines and in the spirit of provisions of the Constitution of India and amendments made by the Parliament from time to time.

## Reply of the Government

2.17 The status of the related Court case [OA No. 750/2018, filed by Ramesh Kumar related with promotion from SDE(T) to AGM(T)] in this regard is enclosed as Annexure-I

i. The CP No. 92/2018 and the OA No. 750/2018 were disposed of by Hon'ble CAT Chandigarh vide order dated 25.02.2020. As per order dated 25.02.2020, the Hon'ble Tribunal directed the respondent BSNL shall take a policy decision indicating the parameters for introduction and implementation of the reservation in promotions. For ready reference, the operative portion of the order dated 25.02.2020 is reproduced as under:

"..... 1. The respondents, in general shall take a policy decision indicating the parameters for introduction and implementation of the reservation in promotions, which shall include:

i. the verification of the representation of the category of Scheduled Castes & Scheduled Tribe employees in the post or cadre for promotion to which, reservation is sought to be effected and the resultant effect of any on the efficiency of the administration.

ii. the manner in which the concept of creamy layer shall be applied in enforcing such reservations in promotions; and

iii. the duration up to which the promotion shall be in force.

2. Unless and until a decision at the highest level is taken as regards the implementation of the reservation in promotions, the same shall not be affected.

3. If any promotions have taken place contrary to the law as it exists now, it shall be open to the respondents to take corrective steps. Pending such action, the promotions so made shall be treated as provisional, without giving rise to any right to seniority in the promoted post....."

Views/opinion of DoP&T thus obtained in the matter were communicated to BSNL. Based on the views/opinion, BSNL has filed SLP Dy No. 25228/2020 in the Hon'ble Supreme Court titled BSNL Vs Ramesh Kumar on 19.11.2020 against the Hon'ble CAT Chandigarh order dated 25.02.2020 in O.A No. 750/2018.

As indicated at Para-2 of the reply furnished in respect of recommendation no. 2, the opinion of the Ld. Attorney General for India as obtained in the matter regarding catch-up rule is again reproduced below:

".....In my (Ld.AG for India) view, therefore, it may not be appropriate to address this query at this stage. The further course of action, if any, may be decided after the decision of the Supreme Court in the Jarnail Singh batch of cases."

### CHAPTER - III

#### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES FROM THE GOVERNMENT

##### Recommendation (Sl. No. 8)

3.1 As regards installation of Dr. B.R. Ambedkar statue at the office premises of CGM, Tamil Nadu Circle, Chennai, the Committee desire to know the advice/comments of the Director of Estates, Ministry of Housing and Urban Affairs, New Delhi for further consideration of the matter.

##### Reply of the Government

3.2 CPWD vide their letter No.6/4/2014-ADG (works)/22-26 dated 10.01.2020 intimated that guidelines for installation of Statues and Memorials in Chennai are not available. However, the guidelines for installation of Statues and Memorials in Delhi were forwarded for reference (**Annexure-H**). As per the guidelines for installation of statue generally Government does not install statues unless otherwise decided, taking into consideration cost, clearance of various authorities, proposal for landscaping and post installation maintenance.

In this connection, it is submitted that BSNL has not installed any statue in any of its offices excepting one statue of Dr. B. R. Ambedkar at Bharat Ratna Bhim Rao Ambedkar Institute of Telecom Training, Jabalpur M.P which is a premier training institute of BSNL and is named in the honour of dignitary itself.

Further as part of the Revival Plan approved by Government, BSNL is in the process of land monetization and selling its surplus lands starting with lands in major cities including Chennai.

Therefore, the installation of the statue is not under consideration at present in view of the circumstances stated above.

## CHAPTER - IV

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION**

#### **Recommendation (Sl. No. 3)**

4.1. The Committee note that due to stay order of CAT Chandigarh, the Ministry of Communications (Department of Telecommunications) might not issue promotion order of 124 SC/ST officials for the post of AO to CAO since 30.11.2018. The Committee for the purpose held 6 meetings and tried to impress upon the Ministry and BSNL from time to time to implement the Hon'ble Supreme Court order of 17 May, 2018 for reservation and subsequent DoPT OM dated 15.6.2018 but they failed to execute the said order due to stay order of CAT Chandigarh in the matter. Views of the Committee was also endorsed by the Law Secretary during the evidence before the Committee by deposing that Ministry did not present the case before CAT Chandigarh in right direction. In view of the above, the Committee are of the firm view that the Ministry of Communications (Department of Telecommunications) as per the advice of the Ministry of Law & Justice (Department of Legal Affairs) should take up the legal course of action in the High Court against the stay order of CAT Chandigarh to implement orders of the Supreme Court and DoPT to facilitate promotion of SC/ST candidates left out in the grade of AO to CAO with all consequential benefits. The Committee desire that responsibility for legal lapses committed by the officials may be fixed. The Committee further recommend that considering the own merit concept, a DPC for the other left out 87 SC/ST officers should be held urgently to provide them their due promotion with all consequential benefits as per Supreme Court order. The Committee are of the view that Department of Telecommunications/BSNL should present their case in High Court in accordance with Supreme Court order and BSNL must ensure that matter of SCs/STs be presented in the High Court in right direction.

Meanwhile, the Committee also desire that the Ministry should also explore the probability of extending ad hoc promotion to SC/ST officials subject to final judgement of Supreme Court in the matter of reservation in promotion.

#### **Reply of the Government**

4.2 With regard to the observations/recommendations of the Hon'ble Parliamentary Committee on Welfare of SCs & STs, to take up legal course of action in Hon'ble High Court against the stay order of CAT Chandigarh to implement orders of the Hon'ble Supreme Court and DoP&T to facilitate promotion



of SC/ST candidates left out in the grade of AO to CAO with all consequential benefits, it is submitted that a WP was filed by BSNL before High Court of Punjab & Haryana (CWP No. 9614/2019) against CAT, Chandigarh interim orders dated 30.11.2018 and 19.03.2019. The CWP 9614/2019 has been disposed of by the Hon'ble Court on 28.01.2020 with the following directions.

"...Keeping in view the totality of facts and circumstances as well as the conceded fact that the pleadings before the learned CAT in the aforesaid application are complete and hearing is now fixed on 26.03.2020, we deem it appropriate to dispose of the present writ petition with direction to the learned CAT to decide at least the application moved by the BSNL for vacation/modification of the initial impugned orders within 15 days of next date of hearing. Learned counsel for the parties, more or less, agree to the aforesaid direction. The learned CAT is also requested to make an endeavour to dispose of the main original application at the earliest. Disposed of, accordingly."

The OA No.1435/2018 in Hon'ble CAT, Chandigarh was listed for hearing on 26.03.2020, but due to nationwide lockdown because of Covid-19 pandemic the hearing could not happen and listed again for hearing on 10.08.2020, 06.11.2020 and then on 09.02.2021. On 09.02.2021, the Hon'ble Court has adjourned the matter for final arguments on 19.03.2021.

Further it is submitted that the matter regarding providing reservation to SCs/STs is pending in the Hon'ble Supreme Court in the matter of 30621/2011 titled Jarnail Singh vs. Lachhmi Narain Gupta. It is Further stated that more than 100 similar cases including the cases of BSNL are tagged with this case. The matter is pending for final adjudication by Hon'ble Supreme Court.

4.3 With regard to the fixing of responsibility for legal lapses, it is submitted that a fact finding committee was constituted to examine the various issues raised in connection with promotion of AO to CAO issued vide order dated 20.11.2018. e.g. seniority issues, non-applying own-merit concept etc. The present CLO(SCT), BSNL was also a member of the committee. On examination of the case and issues/complaints/legal opinion, Committee members observed that no clarity has emerged on the issue even after seeking clarification/opinion from Ld.SG/ASG/Sr. Advocate. Further, inter alia, the said fact finding committee observed that Corporate Promotion Committee (CPC) dated 19.11.2018 to the grade of CAO from the grade of AO was conducted in fully transparent manner.

The status of the related Court case(s) in the matter of reservation in promotion in AO to CAO grade-case of Anupam Yadav is enclosed as **Annexure-D**.

### Comments of the Committee

4.4 Please see Para No. 1.14 of Chapter I.

### Recommendation (Sl. No.9)

4.5 The Committee note that BSNL being a very large organisation with huge manpower and establishment/offices spread across the country are outsourcing jobs/works to contractors. The Committee note that BSNL has outsourced some specific non-core works to contractors who in turn employ/engage contract labourers to accomplish the work through approved tender. BSNL also stated that as a Principal Employer it ensures that applicable statutory provisions of labour laws in respect of contract labourers are complied with by the contractors. The Committee, therefore, recommend that when BSNL being a Principal Employer enter into contract, there should be a contract clause for implementation of SCs and STs reservation policy to be followed by the Contractor while engaging the workers. Further, the Committee also recommend the BSNL to ensure minimum wages, safety and security to all contractual and outsourced worker specially women employees engaged to work in BSNL.

### Reply of the Government

4.6 Engagement of contract labour is done by the contractor as per the requirement of the work under the contract. BSNL as principal employer does not give any directions to the contractor on employment of contract labour including any reservation for SCs/STs as per the existing guidelines.

BSNL as a principal employer ensures that all statutory facilities such as minimum wages, safety and security to all contractual and outsourced worker especially woman employees engaged to work in BSNL are provided. As principal employer BSNL invariably nominates representatives to oversee that all statutory provisions of Contract labour laws and guidelines are followed by contractors.

### Comments of the Committee

4.7 Please see Para No. 1.20 of Chapter I.

CHAPTER-V

RECOMMENDATIONS/OBSERVATION IN RESPECT OF WHICH FINAL REPLIES OF  
THE GOVERNMENT HAVE NOT BEEN RECEIVED

----- NIL -----

New Delhi;  
December, 2021  
AGRAHAYANA, 1943 (Saka)

DR. KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.

APPENDIX - II

(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Third Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1. Total number of recommendations-----10
  
2. Recommendations/observations which have been  
accepted by the Government (vide recommendations  
at Sl. Nos.1, 2, 4, 5, 6, 7 and 10 ).-----7  
Number Percentage to the total-----70%
  
3. Recommendations/observation which the Committee  
do not desire to pursue in view of the Government replies  
(vide recommendations at Sl. No. 8).-----1  
Number Percentage to the total-----10%
  
4. Recommendations/observations in respect of which replies of the  
Government have not been accepted by the Committee and which  
require reiteration (vide recommendations at Sl. Nos. 3 and 9)-----2  
Number Percentage to the total-----20%
  
5. Recommendations/observations in respect of which final  
replies of the Government have not been received-----0