

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

(SEVENTEENTH LOK SABHA)

ELEVENTH REPORT

ON

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION)

Action taken by the Government on the recommendations contained in the Eighteenth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)"

Presented to Lok Sabha on 14.12.2021

Laid in Rajya Sabha on 14.12.2021



LOK SABHA SECRETARIAT
NEW DELHI

December, 2021/ ~~ACR~~ ~~1943~~ (Saka)
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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 Firojjiya
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 Virender Singh | - | Assistant Committee Officer |

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 Eleventh Report (Seventeenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Eighteenth Report (Sixteenth Lok Sabha) on "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)" pertaining to the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution)

2. The draft Report was considered and adopted by the Committee at their sitting held on _____ (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 Eighteenth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

New Delhi;
December, 2021
AGRAHAYANA, 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 the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Eighteenth Report (Sixteenth Lok Sabha) on "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)".

1.2 Eighteenth Report was presented to Lok Sabha and laid in Rajya Sabha on 5th January, 2018. It contained 11 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and are categorised as under:-

(i) Recommendations/Observations which have been accepted by the Government (Sl. Nos. 2.1 & 2.2).	Total – 02 Percentage – 18%
(ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 2.5 & 2.8).	Total - 02 Percentage – 18%
(iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 2.3, 2.4, 2.6, 2.7, 2.9, 2.10 & 2.11).	Total - 07 Percentage – 63%
(iv) Recommendations/Observations in respect of which final replies of the Government have not been received (Sl. Nos. Nil).	Total - Nil Percentage - 0

1.3 The Committee will now deal with the Action Taken by the Government on those recommendations which need reiteration or comments.

Recommendation (Para No. 2.3)

1.4 The Committee note that FCI undertakes recruitment for category I, II and III through a Recruitment Consultancy Agency which has been appointed by them through the process of open tender. Since the said Recruitment Consultancy Agency is a private body, it is the obligatory duty of FCI to ensure that recruitment done through this agency are strictly as per the guidelines of Reservation Policy of the Government of India. The Committee strongly feel that for strict compliance of the Reservation Policy of Government of India, the process of recruitment should be dealt with by Government agency. Since FCI has submitted that all recruitments are carried out as per Government Guidelines.

Reply of the Government

1.5 Staff Selection Commission (SSC) carried out recruitments for FCI for the year 2012 & 2013 for 3756 & 8060 Category-III posts respectively. FCI again approached SSC for carrying out further recruitments for FCI. However, SSC vide letter dated 16.05.2014 informed that the SSC was already having its own commitments to complete the mandated recruitments and was not in a position to make further recruitment for FCI. Accordingly, FCI had to engage a private Recruitment Consultant for three years period through open tender enquiry and the said Recruitment Agency i.e. Tata Consultancy Services Ltd. carried out recruitments for Category-I, II and III posts during 2013-17.

1.6 Further, the contract of the above Recruitment Agency of FCI expired on 19.03.2017 and on expiry of the said contract; FCI had again approached the Staff Selection Commission with the request to undertake the recruitment for Category-III posts on behalf of FCI. However, SSC vide its letter dated 13.10.2017 informed that the

Commission does not undertake recruitment for Autonomous Bodies/Institutes, in accordance with the instructions issued by the DoPT. In view of said response of SSC, FCI has decided to engage a new Recruitment Agency through open tender process so as to expedite the filling up of the vacancies.

1.7 It is further submitted that based on the recommendation of the Committee that the recruitment should be dealt with by Government Agency; FCI has requested Ministry of Consumer Affairs, Food & Public Distribution to take up the matter at appropriate level for engagement of Government Agency for FCI recruitment. Vide this Department's letter dated 20.04.2018, a request had been made to DoPT to take up this matter with Staff Selection Commission. As responded by DoPT vide O.M. No.39020/05/2017-Estt(B) dated 03.07.2018, SSC has again expressed its inability to conduct recruitment examination for FCI.

Comments of the Committee

1.8 The Committee noted that FCI undertakes recruitment for category I, II and III through a Recruitment Consultancy Agency which has been appointed by them through the process of open tender. However, the Committee are pleased to note that in pursuance of their recommendation, FCI has requested the Ministry of Consumer Affairs, Food & Public Distribution to take up the matter at appropriate level for engagement of Government Agency for FCI recruitment. A request had also been made to DoPT to take up this matter with Staff Selection Commission. The Committee had strongly felt that for strict compliance of the Reservation Policy of Government of India, the process of recruitment should be dealt with by Government agency. The Committee, therefore, reiterated that FCI should make

sincere efforts to recruit their staff only through Government Agency. Even if recruitment is done by the semi private agency i.e. Tata Consultancy Services Ltd., FCI should ensure the stipulated percentage of reserved vacancies meant for SC/ST may be filled. The Committee may be apprised about the steps taken by the Ministry in this regard.

Recommendation (Para No. 2.4)

1.9 The Committee further note that FCI follows Government of India policy on reservation as per instructions in direct recruitment to Category-I & II posts. In case of Direct Recruitment to category -III & IV posts, the percentage of reservation is provided to SCs/STs as communicated by DoPT based on the proportion of SCs/STs in the respective State/UT. There are many States where the population of SCs is more as compared to other states like Punjab and Tamil Nadu and in a same manner in Northeast States, the percentage of ST population is on higher side. The Committee strongly recommend that under no circumstances the percentage of reservation should be less than the mandatory 15% and 7.5% and in no way the demography of a particular state should be the cause of said reductions of prescribed percentage of reservation for the purpose if necessary SCs/STs from other State may be permitted to participate in direct recruitment to meet the shortage if any in category III and IV posts in any state.

Reply of the Government

1.10 The matter was taken up with Department of Personnel & Training (DoPT). DoPT informed that as per directions of the Parliamentary Committee on the Welfare of OBCs regarding review of their O.M. dated 05.07.2005 relating to revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' and 'D', they

have sought comments of Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs, National Commission for Scheduled Castes and National Commission for Scheduled Tribes. Ministry of Social Justice & Empowerment informed that the requisite information would be furnished after consultation with the National Commission for Backward Classes once it is constituted. DoPT vide O.M. No.36017/2004-Estt(Res) dated 06.04.2018 informed that Ministry of Tribal Affairs do not agree with the proposal and the present reservation of Scheduled Tribes should not be affected and comments of National Commission for Scheduled Castes are still awaited in the matter.

1.11 As regards the observation of Committee that SCs/STs from other State may be permitted to participate in direct recruitment, it is informed that DoPT instructions in case of recruitment on local/regional/zonal/circle basis, provide that SC/ST/OBC candidates not belonging to the concerned locality/region/State/zone/circle shall also be eligible to get the benefit of reservation and the same are being scrupulously followed in the Corporation.

Comments of the Committee

1.12 The Committee reiterates in their recommendation that under no circumstances the percentage of reservation should be less than the mandatory 15% and 7.5% and in no way the demography of a particular state should be the cause of said reductions of prescribed percentage of reservation for the purpose if necessary SCs/STs from other State may be permitted to participate in direct recruitment to meet the shortage if any in category III and IV posts in any state. As per information furnished by the Ministry that the reply from the Ministry of

Social Justice & Empowerment and NCSC is still awaited, FCI may collect the required information from the above Ministry/Deptt. and without any further delay the Committee may be apprised about the action taken in this regard.

Recommendation (Para No. 2.6)

1.13 The Committee note that there are 18,268 vacancies in FCI which include vacancies under direct recruitment and promotion quota. The unfilled vacancies under direct recruitment include those reserved for SCs/STs in the previous recruitment along with fresh vacancies arising out due to retirement/resignation etc. are carried forward to the next recruitment process, which are to be initiated shortly. In promotion, Department Promotion Committee meetings are held every year for all cadres. However, filling up of all vacancies depend upon the availability of eligible candidates in the feeder cadre. Most of the SC/ST candidates are promoted on their own merit against unreserved vacancies and thereafter, required no. of SC/ST candidates to promote against reserved vacancies are not available in the feeder cadre/zone of consideration/extended zone of consideration. The Committee feel that FCI should not carry backlog vacancies from one recruitment drive to another rather a special recruitment drive must be carried out so that all SC/ST vacancies can be filled up since 1997 revised roster. Also, in case of promotions even if SC/ST candidates get selected on their own merit there should be sufficient number of candidates who get promoted under reserved category. For this it is essential that all SC/ST vacancies are filled up by direct recruitment as early as possible. Since, most vacancies remain unfilled hence sufficient number of candidates are not available for promotion. Hence, the Committee recommend that in place of not filling all reserved vacancies for a long time direct quota

and promotion quota, both the said vacancies should be diverted from direct quota to promotional quota and vice versa to safeguard the interest of SC/ST employees.

Reply of the Government

1.14 It is submitted that all unfilled direct recruitment vacancies including backlog/shortfall vacancies of previous recruitment year are carried forward to the next recruitment which is being undertaken regularly in the Corporation. As such, all vacancies under Category-I, II & III remained unfilled in the recruitment drive taken up in the year 2015 would be carried forward and advertised in the next recruitment process. The next recruitment process will be initiated immediately upon appointment of new Recruitment Consultant, for which the process is underway.

1.15 The Committee is informed that Direct Recruitment in Category-I level is undertaken only in the entry level post of Assistant General Manager, wherein 33.33% posts out of total sanctioned posts are reserved for direct recruitment as per FCI (Staff) Regulations, 1971. In case of Category-II posts, 25% are earmarked for direct recruitment. As regard, Category-III post, Assistant Grade-III/Assistant Grade-II (Hindi)/Typist (Hindi)/Junior Engineer posts are entry level posts and out of these posts, 70% in General/ Depot cadre and 100% in Accounts/Technical/Hindi cadre are filled through direct recruitment.

1.16 As regards, unfilled backlog/shortfall vacancies under promotion quota, it is again submitted that the same is due to selection of SC/ST candidates primarily on their own merit against unreserved points, which is not counted against the reservation points, resulting in non-availability of candidates having minimum qualifying service in the feeder cadre. Further, non-availability of candidates is due to ban on recruitment in FCI

till 2009. Since the recruitment is being undertaken regularly in the Corporation, the situation will improve in the coming years and candidates would easily be available in the feeder cadre having minimum qualifying service.

Comments of the Committee

1.17 The Committee observe that all unfilled direct recruitment vacancies including backlog/shortfall vacancies of previous recruitment year are carried forward to the next recruitment which is being undertaken regularly in the Corporation. As such, all vacancies under Category-I, II & III remained unfilled in the recruitment drive taken up in the year 2015 would be carried forward and advertised in the next recruitment process. The Committee are perturbed to note that there are still vacancies pending in various category of posts. The reason submitted by FCI that due to non availability of suitable candidates existing vacancies for SC/ST in various category of posts could not be filled, does not seem justifiable. The suitable relaxation may be given to SC/ST candidates to fill these backlog vacancies. Reply gives an impression that the Food Corporation of India is not making sincere efforts towards the clearance of backlog vacancies. The Committee would like to know the current status of the recruitment process and hope that process of recruitment is completed within a stipulated time period. The Committee urge the Ministry/FCI to maintain a separate data for current vacancies and backlog vacancies for Direct Recruitment to do away any confusion in shortfall and backlog vacancies. The Committee also recommend that whenever fresh recruitment is conducted, shortfall of SCs/STs in Category-I, II & III in FCI, may be identified and filled up to minimize the huge gap between

total number of posts reserved for SCs/STs and total number of SCs/STs employees in position, and the same may be monitored at the highest level in the Ministry. The Committee recommend that number of posts reserved for SCs/STs should clearly indicated in the advertisement for direct recruitment and the same may be published in leading National/local newspapers, Employment News and uploaded on FCI website, Website of Ministry of Consumer Affairs, Food & Public Distribution, Local Area Network and Notice Board. The Committee also desire that the copies of advertisement should also be sent to the Parliamentary Committee as well as Employees Welfare Associations of SCs/STs for wide publicity of vacancies. The Committee also of the firm view that FCI while conducting special recruitment drive to fill up backlog vacancies must provide relaxation in qualifying marks and intend to fill up all vacant position at different level. The Committee desire that exercise must be completed within three months from date of presentation of the report and Action Taken Report may be communicated to the Committee.

Recommendation (Para No. 2.7)

1.18 The Committee note that the last special recruitment drive for filling up SC/ST backlog vacancies was undertaken in the year 2008-09. The Committee strongly feel that over a long period of time no special recruitment drives have been undertaken to clear the pile up of huge backlog of vacancies in all categories of posts reserved for SCs/STs. The Committee therefore strongly recommend that FCI should undertake a special recruitment drive within a period of three months so that SC/ST vacancies get filled up and are not carried forward years after year. The copy of the advertisement for

filling the said backlog vacancies may also be forwarded to the Committee for perusal. The progress made in this regard may be informed to the Committee.

Reply of the Government

1.19 FCI is committed to fill up all vacancies reserved for SCs/STs. The direct recruitment is being undertaken regularly and all unfilled vacancies including reserved vacancies are being advertised and filled up. In the recruitment launched in 2015, all previous unfilled direct recruitment vacancies including SC/ST vacancies were advertised. The vacancies that may remain unfilled in the said recruitment along with backlog vacancies of SCs/STs would be advertised in the next recruitment process.

1.20 As regards, conducting Special Recruitment Drive (SRD) for filling up of above backlog vacancies, it is submitted that Special Recruitment Drive is a time consuming process as it requires permission from Government of India and also it would not be prudent to proceed with the recruitment process for small number of backlog vacancies. As stated above, the said backlog vacancies will be filled up through upcoming regular recruitment process to be conducted shortly.

Comments of the Committee

1.21 Keeping in view, the reply of the Food Corporation of India that Special Recruitment Drive is a time consuming process as it requires permission from Government of India and also it would not be prudent to proceed with the recruitment process for small number of backlog vacancies. The Committee is of the considered view that the FCI itself is not very much serious enough for filling up the pending vacancies as there is no sign of promptness in filling up the SC/ST vacancies. The Committee, therefore, reiterate that sincere efforts should

be made to accelerate and complete the special recruitment drive process in a time bound manner and also the Ministry should evolve a mechanism to oversee the recruitment process in all categories of posts in FCI where recruitment is undertaken in order to avoid any unwarranted delay in recruitment exercise. The Committee strongly recommend that the SC/ST vacancies even it single one should also be filled up within the same recruitment year. The Committee, therefore, urge that whenever backlog vacancies arises, FCI should take immediate steps to fill the vacancies at the earliest.

Recommendation (Para No.2.9)

1.22 The Committee note that the complaint received from the Ex-employees of FCI Gonda Depot wherein 450 contract labours were terminated from the job since July, 2010 and in their place other people were appointed in the same depot. It seems that there were some irregularities committed during the replacement process of 450 contract labours. In this regard, Ex-employees of FCI Depot Gonda has approached to the High Court for justice. The High Court in its order said that a high powered committee be constituted to look into the matter with regard to alleged fake appointments made at Gonda Depot and other places. Accordingly in compliance to the Court orders, High Powered Committee was constituted by the FCI. According to FCI after giving opportunity to all the claimant for placing their claim and going through them and other records no merit was found in their claim. Subsequently said order of FCI was challenged by the three different petitioners/unions before High Court of Allahabad, Lucknow Bench.

Reply of the Government

1.23 It is submitted that Hon'ble High Court of Allahabad, Lucknow Bench passed an order on 05.08.2013 in W.Ps. No.8309/2011, 7029/2012 & 8839/2012 for formation of a High Power Committee, which is as follows:

"Accordingly, we direct the Managing Director, Food Corporation of India, New Delhi to constitute a High Level Committee to look into the matter with regard to alleged fake appointments made at Gonda or any other place and rights of 676 employees (labourers) who are alleged to be enrolled with respondents but they are not being permitted to discharge their duties. The duly constituted committee will look into the matter and provide opportunity of hearing to the petitioners or to the representative during the course of enquiry to make their submissions in writing as well as orally. The Committee shall also provide opportunity to any other affected persons.

The Committee, after holding due enquiry with regard to the allegations raised by the petitioners, shall submit its report, expeditiously, say, within a period of four months from the date of its constitution. The Managing Director, Food Corporation of India on the basis of report submitted by the Committee shall also record his own finding and pass speaking and reasoned order in accordance with law within one month from the date of receipt of report of Committee.

For any grievance against the decision of the Managing Director, it shall be open for the aggrieved persons to approach this Court again."

1.24 In compliance to the Hon'ble High Court, Lucknow Bench order dated 05.08.2013; a High Power Committee was formed by the CMD, FCI. The Committee so formed had given opportunity to all the affected parties as per the order of the Hon'ble Court. The claim of all the claimants appeared before the Committee was taken into consideration in the Report. However, none of the claims were found genuine and supported by valid documents.

1.25 The Committee had submitted its report on 20.01.2014 and based on the findings of the Committee, the CMD, FCI passed a speaking order on 05.02.2014.

1.26 However, the Speaking Order dated 05.02.2014 has been challenged in three WPs bearing No.2466/2014, 2545/2014 & 8151/2014 by Shri Sadhu Chauhan, Shri Ramdhari Yadav & Shri Ashok Kumar respectively before Hon'ble High Court of Allahabad, Lucknow Bench with the main prayer to quash the Speaking Order dated 05.02.2014 of the CMD, FCI. Hence, the question of validity of the recommendations of High Power Committee and decision of the Competent Authority i.e. CMD, FCI is under challenge before the Hon'ble High Court, Lucknow Bench and is sub-judice.

1.27 Subsequently, several labour/union/claimants have emerged claiming their set of workers to be genuine and to be regularized at Food Storage Depot (FSD), Gonda and have also filed several Court Cases/ID Cases before the High Court and Labour Forums. Details of these claimants are given as under:-

i)	Shri Ram Nath Singh on behalf of	676 Workers
ii)	Shri Ram Dhari Yadav on behalf of	816 Workers
iii)	Shri Rajjan Singh Yadav on behalf of	450 Workers
iv)	Shri Ram Shankar on behalf of	450 Workers
v)	Shri Sadhu Chawhan on behalf of	656 Workers
vi)	Shri Ashok Kumar on behalf of	347 Workers
vii)	Shri J.P. Yadav on behalf of	816 Workers
viii)	Shri Sree Nath Yadav on behalf of	676 Workers
ix)	Shri Shiv Pujan Singh on behalf of	598 Workers
x)	Shri Akbar Ahmed Idrisi	Number not specified.

Comments of the Committee

1.28 The Committee felt that there were some irregularities committed during the replacement process of 450 contract labourers terminated from the job since July, 2010. As regards, the challenging of a Speaking Order dated 05.02.2014 of CMD, FCI, the Committee would like to know when it was challenged and what action has been taken by the Ministry/FCI to defend and for its speedy disposal as well as the present status of the case. The Committee may also be apprised about the outcome of Hon'ble High Court, Lucknow Bench in the matter. The Committee are of the view that FCI should also provide separate data of SC and ST contract labourers engaged by them during the last five years. The Committee feel that if reservation policy is not applicable in the case of casual employment, the FCI should have explored possibility of giving employment to SCs/STs so as to honour the spirit of the Constitution of India towards ensuring equal opportunity and inclusive growth for removal of socially and educationally backwardness of SCs/STs. The Committee, therefore, strongly recommend that keeping in view the DoPT guidelines for reservation in appointment in contract basis, FCI should take affirmative action to give employment to SCs/STs as casual labourers and also regularize their services within a stipulated time period.

Recommendation (Para No.2.10)

1.29 From the above legal proceedings and observations of the High Power Committee and the claimant, the Committee feel that High Power Committee while looked into the matter and heard the claimant did not provide opportunities to be heard by each claimant i.e. casual labours/workers, hence they could not provide their valid

record of enrollment with the contractor. Further, Committee observe that list was put up on notice board of the FCI Depot and Internet by giving three days notice for inviting objections, which was not sufficient time. The Committee are of the view that due to insufficient time given to the claimant to raise objections against the findings of the High Powered Committee and speaking order of FCI, so many workers/casual labours/employees could not raise their objections against the findings of the High Power Committee and with the result they were debarred to claim their legitimate rights to be enrolled again with the contractor.

Reply of the Government

1.30 It is submitted that sufficient opportunity was given to all the affected parties especially the Petitioners of the W.Ps. No.8309/2011, 7029/2012 and 8839/2012. The petitioners of W.Ps. No.7029/2012 and 8839/2012 (Shri Ram Shankar) appeared before the committee on 20.11.2013&05.12.2013. Hence, it is clear that sufficient time was given to the affected parties.

Comments of the Committee

1.31 The Committee feel that above reply by the Government shows the lack of sincerity on their part to safeguard the interest of the casual labours/workers. The Committee also feel that FCI have not made sincere efforts to reinstate the aggrieved 450 contract labourers of FCI Depot Gonda. The Committee urge the Ministry/FCI that keeping in view their economic and social conditions, these contract labourers should be taken back in the services with immediate effect as now they are over aged and thus not eligible for applying for other such jobs in

the Government institutions. The Committee would like to be informed about the action taken by the Ministry/FCI in this regard.

Recommendation (Para No.2.11)

1.32 The Committee, therefore, strongly recommend that in order to deliver justice to the casual labours/workers to be enrolled with contractor in Gonda Depot of FCI, matter may be enquired afresh by the High Powered Committee as directed by the High Court and after providing opportunity of being heard by each claimant workers/labours report may be submitted. Thereafter, matter may objectively decided and placed before Hon'ble High Court of Allahabad.

Reply of the Government

1.33 The Speaking Order dated 05.02.2014 passed by the CMD, FCI is under challenge before the Hon'ble High Court of Allahabad, Lucknow Bench in three Writ Petitions bearing Nos.2466/2014, 2545/2014 & 8151/2014. All these three Writ Petitions are still pending without any negative observation of the Court on the process of regularization adopted by FCI or on the speaking order dated 05.02.2014 of CMD, FCI. Further, there is no direction/order from Hon'ble High Court for enquiring the matter afresh so far.

Comments of the Committee

1.34 The Committee are concerned that three Writ Petitions still pending without any negative observation of the Court on the process of regularization adopted by FCI or on the speaking order dated 05.02.2014 of CMD, FCI. The Committee would like to stress that the Management should approach the

Hon'ble High Court for expeditious disposal of the cases. As for cases pending in the High Court, earnest efforts should be made for early disposal of the cases. The present position in regard to Writ Petitions should also be furnished. The Committee would like to be apprised of the follow up action taken for expeditious settlement of all pending cases in courts, District Collector and Vigilance Committees. The Committee strongly recommend that FCI should ensure that prescribed percentage of SCs and STs personnel are actually engaged and that there is no lapse in providing such other facilities as provided under the law. FCI should obtain the deployment record periodically so as to monitor whether the directives of the Government for the welfare of labourers are being followed in letter and spirit.

CHAPTER – II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Para No. 2.1)

2.1 The Committee note that Liaison Officer has been overburden with additional responsibilities owing to exigencies of work. The Committee are of the view that SC/ST Liaison Officers at different Zonal/Regional Levels should be full fledged officers with no other additional responsibilities. This will help them to focus to redress the grievances of SC/ST employees and without diverting their attention to other issues. Hence, the Committee recommend that SC/ST liaison officers should be full time and should not be given any other work except pertaining to core issues of SCs/STs.

Reply of the Government

2.2 Taking a note on the recommendation of the Committee, full-fledged Chief Liaison Officer exclusively for SCs/STs has been posted in the Corporate Office i.e. FCI, Headquarters.

2.3 Further, it is submitted that SC/ST officers are nominated as Liaison Officers in all the Zones/Regions. However, keeping in view the exigencies of work in the Zones/Regions they are entrusted with the additional duties. In order to attend to the work of grievance of SC/ST, a team of officers/officials are assisting Liaison Officer for proper discharge of his duties.

Recommendation (Para No. 2.2)

2.4 The Committee are extremely surprised to know that Food Corporation of India a large public sector undertaking and a consistent employer to the youth of the country does not consider it necessary to upload rosters and establishment list of various categories of posts on the official website in the age of digital India. When FCI is confident about their transparency for SC/ST reservation then the reasons for not uploading the aforesaid roster and establishment list on official websites are beyond the comprehension of the Committee. The Committee recommend that roster and establishment lists be made open to all employees to minimize the scope of grievances and adherence to transparency.

Reply of the Government

2.5 On the recommendations of the Committee, FCI Hqrs. has uploaded Reservation Rosters/Registers on the official website i.e. <http://fci.gov.in> in respect of Category-I officers. Instructions have been issued to the field offices for uploading of Reservation Rosters/Registers under direct recruitment and promotion quota in respect of Cat.-II, III and IV as on 01.01.2018 vide letter No.39(14)/2016-LC(PC-SC/ST)/Vol.VII dated 05.03.2018. As regard, Establishment/Seniority Lists, the same are available on the official website of the Corporation and updated on regular basis.

CHAPTER – III

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

Recommendation (Para No. 2.5)

3.1 The Committee do understand that as per Government of India Policy, reservation in case of promotions is not applicable for the posts above the lowest rung of Category-I posts. This includes the post of Deputy General Manager (DGM), General Manager (GM), Chief General Manager (CGM), and the post of Executive Director (ED). By not including these higher position in the ambit of reservation, the Committee feel that Government has blocked all avenues of reserved category employees from holding posts which require policy making and managerial skills. The Committee recommend that FCI under the constrained situation should chalk out a strategy to provide due representation in all categories of service and posts to SC/ST employees. For the purpose, if necessary, FCI may provide relaxation to SC and ST employees/officers as per DoPT guidelines so that reserved category employees may not be deprived to go the higher position like ED, Director and CMD of the Organisation.

Reply of the Government

3.2 All the relaxations/concessions as per Government of India/DoPT's directions are allowed to SC/ST employees in FCI so that reserved posts do not remain vacant. FCI grants concession in promotion within Category I post to SC & ST Officers upto the post of General Manager, who are in the zone of consideration for promotion and included in the select list, if they are not considered unfit for promotion. In other words, SC/ST officers of Assistant General Manager/Deputy General Manager/General Manager, who

are given grading upto 'Fair' will also be promoted to the next higher post i.e. Deputy General Manager/General Manager/Chief General Manager (CGM).

3.3 As a result of proper implementation of reservation in FCI, the representation of SC/ST officers in DGM and above posts in the Corporation is much higher than percentage prescribed, as it may be clearly seen from the below table:-

(As on 31.12.2017)		
Men-in-position (MIP)	Post held by SCs	Post held by STs
293	70 (23.89%)	30 (10.23%)

3.4 Further, the post of Chairman & Managing Director in FCI is a deputation post selected from amongst the officers of the All India Services.

3.5 It is also mentioned here that the DoPT instructions on reservation is applicable to all Central Government organizations and FCI being a 100% subsidy based organization follows DoPT instructions.

Recommendation (Para No. 2.8)

3.6 The Committee note that in the year 2013 and 2015 the post of Manager (Accounts) was advertised but no candidate including SC/ST could be called for Group Discussion/Interview as the sufficient number of candidates in the proportion required for calling for group discussion/interview had not qualified in the written examination i.e. the minimum three times the number of vacancies. The Committee are of the view that such strict recruitment rules will only lead to piling up of vacancies. Hence, the

Committee recommend that such rules be suitably relaxed/amended so that vacancies get filled up at the earliest.

Reply of the Government

3.7 As per the assurance given to the Parliamentary Committee and to make appropriate modification in the policy, the Corporation had taken up the matter before Board of Directors in its 380th meeting held on 22.02.2017 and the BoD has decided for removal of the criteria of having eligible candidate at least 3 times the number of vacancies for calling for Interview in Category-I & II recruitment. Accordingly, instructions have been issued by FCI vide Circular No. EP-01-2017-14 dated 09.05.2017 which provides that "where the number of candidates who have qualified written examination is less than three times the number of vacancies, then all the qualifying candidates may be called for group discussion/interview as the case may be".

CHAPTER – IV

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

Recommendation (Para No. 2.3)

4.1 The Committee note that FCI undertakes recruitment for category I, II and III through a Recruitment Consultancy Agency which has been appointed by them through the process of open tender. Since the said Recruitment Consultancy Agency is a private body, it is the obligatory duty of FCI to ensure that recruitment done through this agency are strictly as per the guidelines of Reservation Policy of the Government of India. The Committee strongly feel that for strict compliance of the Reservation Policy of Government of India, the process of recruitment should be dealt with by Government agency. Since FCI has submitted that all recruitments are carried out as per Government Guidelines.

Reply of the Government

4.2 Staff Selection Commission (SSC) carried out recruitments for FCI for the year 2012 & 2013 for 3756 & 8060 Category-III posts respectively. FCI again approached SSC for carrying out further recruitments for FCI. However, SSC vide letter dated 16.05.2014 informed that the SSC was already having its own commitments to complete the mandated recruitments and was not in a position to make further recruitment for FCI. Accordingly, FCI had to engage a private Recruitment Consultant for three years period through open tender enquiry and the said Recruitment Agency i.e.

Tata Consultancy Services Ltd. carried out recruitments for Category-I, II and III posts during 2013-17.

4.3 Further, the contract of the above Recruitment Agency of FCI expired on 19.03.2017 and on expiry of the said contract; FCI had again approached the Staff Selection Commission with the request to undertake the recruitment for Category-III posts on behalf of FCI. However, SSC vide its letter dated 13.10.2017 informed that the Commission does not undertake recruitment for Autonomous Bodies/Institutes, in accordance with the instructions issued by the DoPT. In view of said response of SSC, FCI has decided to engage a new Recruitment Agency through open tender process so as to expedite the filling up of the vacancies.

4.4 It is further submitted that based on the recommendation of the Committee that the recruitment should be dealt with by Government Agency; FCI has requested Ministry of Consumer Affairs, Food & Public Distribution to take up the matter at appropriate level for engagement of Government Agency for FCI recruitment. Vide this Department's letter dated 20.04.2018, a request had been made to DoPT to take up this matter with Staff Selection Commission. As responded by DoPT vide O.M. No.39020/05/2017-Estt(B) dated 03.07.2018, SSC has again expressed its inability to conduct recruitment examination for FCI.

Comments of the Committee

4.5 Please see Para No. 1.8 of Chapter I.

Recommendation (Para No. 2.4)

4.6 The Committee further note that FCI follows Government of India policy on reservation as per instructions in direct recruitment to Category-I & II posts. In case of Direct Recruitment to category -III & IV posts, the percentage of reservation is provided

to SCs/STs as communicated by DoPT, based on the proportion of SCs/STs in the respective State/UT. There are many States where the population of SCs is more as compared to other states like Punjab and Tamil Nadu and in a same manner in Northeast States, the percentage of ST population is on higher side. The Committee strongly recommend that under no circumstances the percentage of reservation should be less than the mandatory 15% and 7.5% and in no way the demography of a particular state should be the cause of said reductions of prescribed percentage of reservation for the purpose if necessary SCs/STs from other State may be permitted to participate in direct recruitment to meet the shortage if any in category III and IV posts in any state.

Reply of the Government

4.7 The matter was taken up with Department of Personnel & Training (DoPT). DoPT informed that as per directions of the Parliamentary Committee on the Welfare of OBCs regarding review of their O.M. dated 05.07.2005 relating to revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' and 'D', they have sought comments of Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs, National Commission for Scheduled Castes and National Commission for Scheduled Tribes. Ministry of Social Justice & Empowerment informed that the requisite information would be furnished after consultation with the National Commission for Backward Classes once it is constituted. DoPT vide O.M. No.36017/2004-Estt(Res) dated 06.04.2018 informed that Ministry of Tribal Affairs do not agree with the proposal and the present reservation of Scheduled Tribes should not be affected and comments of National Commission for Scheduled Castes are still awaited in the matter.

4.8 As regards the observation of Committee that SCs/STs from other State may be permitted to participate in direct recruitment, it is informed that DoPT instructions in case of recruitment on local/regional/zonal/circle basis, provide that SC/ST/OBC candidates not belonging to the concerned locality/region/State/zone/circle shall also be eligible to get the benefit of reservation and the same are being scrupulously followed in the Corporation.

Comments of the Committee

4.9 Please see Para No. 1.12 of Chapter I.

Recommendation (Para No. 2.6)

4.10 The Committee note that there are 18,268 vacancies in FCI which include vacancies under direct recruitment and promotion quota. The unfilled vacancies under direct recruitment include those reserved for SCs/STs in the previous recruitment along with fresh vacancies arising out due to retirement/resignation etc. are carried forward to the next recruitment process, which are to be initiated shortly. In promotion, Department Promotion Committee meetings are held every year for all cadres. However, filling up of all vacancies depend upon the availability of eligible candidates in the feeder cadre. Most of the SC/ST candidates are promoted on their own merit against unreserved vacancies and thereafter, required no. of SC/ST candidates to promote against reserved vacancies are not available in the feeder cadre/zone of consideration/extended zone of consideration. The Committee feel that FCI should not carry backlog vacancies from one recruitment drive to another rather a special recruitment drive must be carried out so that all SC/ST vacancies can be filled up since 1997 revised roster. Also, in case of promotions even if SC/ST candidates get selected on their own merit there should be sufficient number of candidates who get promoted

under reserved category. For this it is essential that all SC/ST vacancies are filled up by direct recruitment as early as possible. Since, most vacancies remain unfilled hence sufficient number of candidates are not available for promotion. Hence, the Committee recommend that in place of not filling all reserved vacancies for a long time direct quota and promotion quota, both the said vacancies should be diverted from direct quota to promotional quota and vice versa to safeguard the interest of SC/ST employees.

Reply of the Government

4.11 It is submitted that all unfilled direct recruitment vacancies including backlog/shortfall vacancies of previous recruitment year are carried forward to the next recruitment which is being undertaken regularly in the Corporation. As such, all vacancies under Category-I, II & III remained unfilled in the recruitment drive taken up in the year 2015 would be carried forward and advertised in the next recruitment process. The next recruitment process will be initiated immediately upon appointment of new Recruitment Consultant, for which the process is underway.

4.12 The Committee is informed that Direct Recruitment in Category-I level is undertaken only in the entry level post of Assistant General Manager, wherein 33.33% posts out of total sanctioned posts are reserved for direct recruitment as per FCI (Staff) Regulations, 1971. In case of Category-II posts, 25% are earmarked for direct recruitment. As regard, Category-III post, Assistant Grade-III/Assistant Grade-II (Hindi)/Typist (Hindi)/Junior Engineer posts are entry level posts and out of these posts, 70% in General/ Depot cadre and 100% in Accounts/Technical/Hindi cadre are filled through direct recruitment.

4.13 As regards, unfilled backlog/shortfall vacancies under promotion quota, it is again submitted that the same is due to selection of SC/ST candidates primarily on their own merit against unreserved points, which is not counted against the reservation points, resulting in non-availability of candidates having minimum qualifying service in the feeder cadre. Further, non-availability of candidates is due to ban on recruitment in FCI till 2009. Since the recruitment is being undertaken regularly in the Corporation, the situation will improve in the coming years and candidates would easily be available in the feeder cadre having minimum qualifying service.

Comments of the Committee

4.14 Please see Para No. 1.17 of Chapter I.

Recommendation (Para No. 2.7)

4.15 The Committee note that the last special recruitment drive for filling up SC/ST backlog vacancies was undertaken in the year 2008-09. The Committee strongly feel that over a long period of time no special recruitment drives have been undertaken to clear the pile up of huge backlog of vacancies in all categories of posts reserved for SCs/STs. The Committee therefore strongly recommend that FCI should undertake a special recruitment drive within a period of three months so that SC/ST vacancies get filled up and are not carried forward years after year. The copy of the advertisement for filling the said backlog vacancies may also be forwarded to the Committee for perusal. The progress made in this regard may be informed to the Committee.

Reply of the Government

4.16 FCI is committed to fill up all vacancies reserved for SCs/STs. The direct recruitment is being undertaken regularly and all unfilled vacancies including reserved vacancies are being advertised and filled up. In the recruitment launched in 2015, all

previous unfilled direct recruitment vacancies including SC/ST vacancies were advertised. The vacancies that may remain unfilled in the said recruitment along with backlog vacancies of SCs/STs would be advertised in the next recruitment process.

4.17 As regards, conducting Special Recruitment Drive (SRD) for filling up of above backlog vacancies, it is submitted that Special Recruitment Drive is a time consuming process as it requires permission from Government of India and also it would not be prudent to proceed with the recruitment process for small number of backlog vacancies. As stated above, the said backlog vacancies will be filled up through upcoming regular recruitment process to be conducted shortly.

Comments of the Committee

4.18 Please see Para No. 1.21 of Chapter I.

Recommendation (Para No.2.9)

4.19 The Committee note that the complaint received from the Ex-employees of FCI Gonda Depot wherein 450 contract labours were terminated from the job since July, 2010 and in their place other people were appointed in the same depot. It seems that there were some irregularities committed during the replacement process of 450 contract labours. In this regard, Ex-employees of FCI Depot Gonda has approached to the High Court for justice. The High Court in its order said that a high powered committee be constituted to look into the matter with regard to alleged fake appointments made at Gonda Depot and other places. Accordingly in compliance to the Court orders, High Powered Committee was constituted by the FCI. According to FCI after giving opportunity to all the claimant for placing their claim and going through them and other records no merit was found in their claim. Subsequently said order of FCI was

challenged by the three different petitioners/unions before High Court of Allahabad, Lucknow Bench.

Reply of the Government

4.20 It is submitted that Hon'ble High Court of Allahabad, Lucknow Bench passed an order on 05.08.2013 in W.Ps. No.8309/2011, 7029/2012 & 8839/2012 for formation of a High Power Committee, which is as follows:

"Accordingly, we direct the Managing Director, Food Corporation of India, New Delhi to constitute a High Level Committee to look into the matter with regard to alleged fake appointments made at Gonda or any other place and rights of 676 employees (labourers) who are alleged to be enrolled with respondents but they are not being permitted to discharge their duties. The duly constituted committee will look into the matter and provide opportunity of hearing to the petitioners or to the representative during the course of enquiry to make their submissions in writing as well as orally. The Committee shall also provide opportunity to any other affected persons.

The Committee, after holding due enquiry with regard to the allegations raised by the petitioners, shall submit its report, expeditiously, say, within a period of four months from the date of its constitution. The Managing Director, Food Corporation of India on the basis of report submitted by the Committee shall also record his own finding and pass speaking and reasoned order in accordance with law within one month from the date of receipt of report of Committee.

For any grievance against the decision of the Managing Director, it shall be open for the aggrieved persons to approach this Court again."

4.21 In compliance to the Hon'ble High Court, Lucknow Bench order dated 05.08.2013; a High Power Committee was formed by the CMD, FCI. The Committee so formed had given opportunity to all the affected parties as per the order of the Hon'ble Court. The claim of all the claimants appeared before the Committee was taken into

consideration in the Report. However, none of the claims were found genuine and supported by valid documents.

4.22 The Committee had submitted its report on 20.01.2014 and based on the findings of the Committee, the CMD, FCI passed a speaking order on 05.02.2014.

4.23 However, the Speaking Order dated 05.02.2014 has been challenged in three WPs bearing No.2466/2014, 2545/2014 & 8151/2014 by Shri Sadhu Chauhan, Shri Ramdhari Yadav & Shri Ashok Kumar respectively before Hon'ble High Court of Allahabad, Lucknow Bench with the main prayer to quash the Speaking Order dated 05.02.2014 of the CMD, FCI. Hence, the question of validity of the recommendations of High Power Committee and decision of the Competent Authority i.e. CMD, FCI is under challenge before the Hon'ble High Court, Lucknow Bench and is sub-judice.

4.24 Subsequently, several labour/union/claimants have emerged claiming their set of workers to be genuine and to be regularized at Food Storage Depot (FSD), Gonda and have also filed several Court Cases/ID Cases before the High Court and Labour Forums. Details of these claimants are given as under:-

i)	Shri Ram Nath Singh on behalf of	676 Workers
ii)	Shri Ram Dhari Yadav on behalf of	816 Workers
iii)	Shri Rajjan Singh Yadav on behalf of	450 Workers
iv)	Shri Ram Shankar on behalf of	450 Workers
v)	Shri Sadhu Chawhan on behalf of	656 Workers
vi)	Shri Ashok Kumar on behalf of	347 Workers
vii)	Shri J.P. Yadav on behalf of	816 Workers
viii)	Shri Sree Nath Yadav on behalf of	676 Workers
ix)	Shri Shiv Pujan Singh on behalf of	598 Workers
x)	Shri Akbar Ahmed Idrisi	Number not specified.

Comments of the Committee

4.25 Please see Para No. 1.28 of Chapter I.

Recommendation (Para No.2.10)

4.26 From the above legal proceedings and observations of the High Power Committee and the claimant, the Committee feel that High Power Committee while looked into the matter and heard the claimant did not provide opportunities to be heard by each claimant i.e. casual labours/workers, hence they could not provide their valid record of enrollment with the contractor. Further, Committee observe that list was put up on notice board of the FCI Depot and Internet by giving three days notice for inviting objections, which was not sufficient time. The Committee are of the view that due to insufficient time given to the claimant to raise objections against the findings of the High Powered Committee and speaking order of FCI, so many workers/casual labours/ employees could not raise their objections against the findings of the High Power Committee and with the result they were debarred to claim their legitimate rights to be enrolled again with the contractor.

Reply of the Government

4.27 It is submitted that sufficient opportunity was given to all the affected parties especially the Petitioners of the W.Ps. No.8309/2011, 7029/2012 and 8839/2012. The petitioners of W.Ps. No.7029/2012 and 8839/2012 (Shri Ram Shankar) appeared before the committee on 20.11.2013&05.12.2013. Hence, it is clear that sufficient time was given to the affected parties.

Comments of the Committee

4.28 Please see Para No. 1.31 of Chapter I.

Recommendation (Para No.2.11)

4.29 The Committee, therefore, strongly recommend that in order to deliver justice to the casual labours/workers to be enrolled with contractor in Gonda Depot of FCI, matter may be enquired afresh by the High Powered Committee as directed by the High Court and after providing opportunity of being heard by each claimant workers/labours report may be submitted. Thereafter, matter may objectively decided and placed before Hon'ble High Court of Allahabad.

Reply of the Government

4.30 The Speaking Order dated 05.02.2014 passed by the CMD, FCI is under challenge before the Hon'ble High Court of Allahabad, Lucknow Bench in three Writ Petitions bearing Nos.2466/2014, 2545/2014 & 8151/2014. All these three Writ Petitions are still pending without any negative observation of the Court on the process of regularization adopted by FCI or on the speaking order dated 05.02.2014 of CMD, FCI. Further, there is no direction/order from Hon'ble High Court for enquiring the matter afresh so far.

Comments of the Committee

4.31 Please see Para No. 1.34 of Chapter I.

CHAPTER - V

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

- Nil -

New Delhi
December, 2021
_____, 1943 (Saka)

AQRAHAYA NA

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