



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. DCB/1/2018/MCVL1/SEPROM/RU-III

6th floor, B Wing Loknayak Bhawan,
Khan Market,
New Delhi-110003
Dated: 29-08-2018

To,

The Chairman & Managing Director,
Air India, Air Lines House, 2nd floor,
113, Gurudwara Rakabgunj Road,
New Delhi -110001

Sub: Proceeding of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the Matter of Shri Dinesh Chandra Bhaskar, P.G.N. Jogina and others regarding discrimination in promotion by selection exercise making Senior employees of Air India Junior to their Junior employees of Indian Airlines in violation of constitutional provisions and report of Dharmadhikari Committee.

Sir,

I am directed to enclose herewith a copy of Proceeding of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST on 07.08.2018 for information and urgent necessary action.

It is requested that action taken report in this regard may be submitted to this Commission within two weeks' time.

Yours faithfully,

(R. K. Dubey)

Assistant Director

Copy for information and necessary action to:

1. Shri Dinesh Chandra Bhasker, Dy. Manager, Medical Department, AIR-India Ltd., GSD Complex, IGI Apt -II New Delhi- 110037.
2. Mrs. P.G.N. Jogina, Dy. Manager, Staff No. 22466 e-mail: pgnjogina@airindia.in
3. SAS, NIC, NCST uploaded on the web site.

National Commission for Scheduled Tribes

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Proceeding of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, NCST in the matter of Shri Dinesh Chandra Bhasker, P.G.N. Jogina and others regarding discrimination in promotion by selection exercise making Senior employees of Air India Junior to their Junior employees of Indian Airlines in violation of constitutional provisions and report of Dharmadhikari Committee.

Date of Sitting: 07.08.2018

List of the officers present: Annexure-I

To review and follow up the decisions taken in the meeting by NCST on 20.03.2018 with CMD, Air India on the complaint of above employees, a meeting was held by the Commission. CMD, Air India could not attend the meeting.

On being asked, Shri Dinesh Chandra Bhasker and other complainants informed that no decision has been taken by the CMD, Air India on their grievance in spite of the assurance given to the Commission in the previous meeting held on 20.03.2018 to examine the case at his level. They reiterated that in view of the provisions of Justice Dharmadhikari Committee report (para 3.19) they should be made senior to their junior employees working in erstwhile Indian Airlines and also as per minutes of the meeting of Implementation and Anomaly Rectification Committee held on 09, 11 and 12th July, 2012. They also informed that the employees with four years of service were promoted in Indian Airlines whereas the minimum requirement for promotion was five years in violation of the notice dated 06.08.2007. Earlier ED-MM, ED-P/DP had recommended in their favour but a section of officers is wilfully creating hurdles in impartial



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implementation of these decisions resulting in loss in status and financial benefits to them.

The Commission sought view of Shri V. Hejmadi, Director (Finance), Air India on this issue who was asked to attend this meeting and was reportedly dealing with this issue as Director (Personnel) earlier. He admitted that the claim of the complainants was just as injustice has been meted out with them in the process of merger of both the companies and they should be put in same pay scale/grade/designation at par with their counterparts of erstwhile Indian Airlines as both the promotion exercises of 01.12.2008 (Air India) and 15.01.2009 (Indian Airlines) had taken place after the merger and 01.04.2007 (cut-off date of merger) and before 01.01.2012 (date of implementation of Dharmadhikari Committee report). However, the present Director (Personnel) Mrs. Amrita Sharan informed that the exercise of 15.01.2009 by erstwhile Indian Airlines was a direct recruitment. On perusal of documents, the Commission observed that this exercise was exclusively for employees of Indian Airlines only and it cannot be treated as direct recruitment. Moreover, reservation was also provided to OBC category which is not permissible in case of internal promotion and no provision for reservation for ST candidate was provided as per the roster.

The Commission observed that two promotion exercises were done, first by Air India vide Notice dated 23.04.2008 for the posts of Assistant Manager and second vide notice dated 06.08.2007 by Indian Airlines for the posts of Management Trainees/Assistant Manager. The Commission is of the considered view that the cut-off date of seniority should be 01.04.2007 as per Justice Dharmadhikari Committee report (in para 3.19). The Commission is also of the view that ST officers of Air India who have been promoted against Notice dated 23.04.2008 to the posts of Assistant Manager w.e.f. 01.12.2018 should be given



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proforma promotion and pay protection at par with their counterparts in Indian Airlines who were promoted against notice dated 06.08.2007 for the posts of Management Trainees/Assistant Manager w.e.f. 15.01.2009. The reply dated 06.08.2018 given to the Commission by General Manager (Personnel), Air India does not convey the view of CMD, Air India who had given assurance to the Commission in the sitting held on 20.03.2018 to examine the issue at his level.

As CMD, Air India was not present in the meeting and he is the competent authority to take decision in this case, the Commission decided that it will like to have the view and decision of CMD, Air India under his seal and signature on the matter within a period of 02 weeks.

7/8/18

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Annexure-I

National Commission for Scheduled Tribes

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National Commission For Scheduled Tribes

1. Shri Nand Kumar Sai, Chairperson
2. Ms. Anusuiya Uikey, Vice-Chairperson
3. Shri H.K. Damor, Member
4. Smt. Maya Chintaman Ivinate, Member
5. Shri H.C. Vasava, Member
6. Shri Raghav Chandra, Secretary
7. Shri S.K. Ratho, Joint Secretary
8. Shri R.K. Dubey, Assistant Director
9. Shri D.C. Katoch, Consultant

Officers of Air India

1. Shri V. Hejmadi, Director (Finance)
2. Mrs. A. Sharan, Director (Personnel)
3. Mr. Ashwani Sehgal, GM-P
4. Mrs. M. Kashyap, GM-IR, Liaison Officer-SC/ST
5. Mr. Vikas Gupta, AGM-P

Petitioners

1. Mrs. P.G.N. Jogina, Deputy Manager
2. Mr. D.C. Bhasker, Deputy Manager
3. Mr. Manoj Kumar, Deputy Manager
4. Mrs. Reena S. Kumar, Deputy Manager