



भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

File No. Review/13/Southern Railway/2018/RU-I

Dated: 09/08/2019

To,

The General Manager,
Southern Railway,
1st Floor NGO Main Building,
Park Town, Chennai- 600003 (Tamil Nadu)
Tel: 044-25332157
Fax: 044-25331765

Sub: Review of Constitutional Safeguards for Scheduled Tribes.

Sir,

I am directed to refer to the subject mentioned above and to enclose copy of the Minutes of the Review Meeting held on 03.07.2019 at Chennai under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST on the effective implementation of constitutional safeguards and other measures for the protection, welfare and Socio- economic development of the Scheduled Tribes.

It is requested that a report on action taken/ to be taken on the recommendations of the NCST in the Review Meeting may please be furnished within 30 days from receipt of the letter, for placing the same before the Hon'ble Chairperson, NCST.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar/ राजेश्वर कुमार)
Assistant Director/ सहायक निदेशक
Ph: 24641640

Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. NIC (for hosting on Commission's website).



सत्यमेव जयते

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National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (e) OF THE CONSTITUTION ON THE MEASURES TO BE TAKEN BY THE SOUTHERN RAILWAY, CHENNAI FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.



(File No: Review/13/Southern Railway(Chennai)/2018/RU-1)


Date of Review: 03.07.2019 at Chennai

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, a review meeting was held under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 03rd July, 2019 at Southern Railway, Headquarters, Chennai on evaluation and monitoring implementation of reservation policy (service safeguards) for Scheduled Tribes and schemes for their socio-economic development with the officers of Southern Railway, Headquarters, Chennai

3. The list of participants is annexed.

4. Hon'ble Chairperson, NCST in his inaugural address mentioned about the role and responsibilities of the NCST and requested Southern Railway officers to give clarification on some


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अध्यक्ष/Chairperson
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issues which emerged from the information furnished in respect of the questionnaire by the Southern Railway and the meeting held with the All India SCs & STs Railways Employees Association, (South Zonal Executive Committee) on 03.07.2019 at 1600 Hrs at Southern Railway, Headquarters, Chennai.

5. The General Manager, Southern Railway vide letter dated 28.06.2019 informed that he was called for the meeting at New Delhi on 02/03.07.2019 with the Hon'ble Minister of Railways in capacity as General Manager, Integral Coach Factory and not in position to appear before the Commission and informed that the Additional General Manager shall attend the meeting. The Additional General Manager, Southern Railway was attended the Review meeting on behalf of General Manager. The Additional General Manager gave a brief presentation about the activities, which includes historical background, objectives and scope of the Southern Railway. Presentation reveals that number of employees in position was 86819 out of which 7280 from ST category constituted 8.4%. In Group 'A' category posts, the total number of employees in position was 837 out of which 57 from ST category constituted 6.81%. The Group B posts having 411 employees in position out of which 19 from ST category (4.62%). The percentage of ST employees promoted in the Group 'B' posts was 2.17% as on 31.03.2018. No posts were de-reserved during last three years. The percentage/ proportionate of ST employees sent for Specialized Training Abroad during 3 years i.e. from 2015, 2016 and 2017 was very low in comparison to total employees.



The Scheduled Tribes candidates interviewed in separate block and not on the separate days. One representative belonging to either SC or ST is being included in the Recruitment Boards/ Selection Committees/ DPCs when the posts are reserved in favour of SCs or STs or even if no post is reserved but ST candidates competing against the Un-reserved posts.

A separate Special Reservation Cell functions under the control of Chief Liaison Officer/ Liaison Officer/ Headquarters to ensure the implementation of the Reservation Policy for SCs and STs. The Principal Chief Personnel Officer nominated as Chief Liaison Officer function from Headquarters of Southern Railway. A Chief Liaison Officer assisted by two Chief Officer Superintendents, two Chief Staff & Welfare Inspectors, one Office Superintendent and one Senior Clerk. To redress the grievances of employees, it was reported that Computerized Grievance


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Management System are in operation. The periodical meetings held with the Management and All India SCs & STs Railway Employees Association.


The Six cases, who obtained employment by producing false community certificate were reported. The services of such employees have been terminated as soon as their community certificate cancelled by the District Vigilance Committee/ State Level Scrutiny Committee. As on date, around 209 cases have been referred to State Level Scrutiny Committee. The General Manager, Southern Railway had also taken up the issue with the Chief Secretary, Government of Tamil Nadu and requested to expedite the cases. Apart from this, the Hon'ble High Court of Madras had also been approached by filing a Writ petition, impleading the State Level Scrutiny Committee for finalization of the cases pending for a long time, which resulted in getting decision. The total No. of quarters allotted was 12477 out of which 914 for STs constituted 7.32%.

6. Prior to Review Meeting with the officers of Southern Railway, the President, General Secretary and other persons of All India SC/ST Railway Employees Association (South Zonal Executive Committee), Chennai met the Commission on 03.07.2019 at 1600 Hrs and discussed many issues. Some of the key points raised by SC/ST Railway Employees Association are indicated below.



a) **Fake community certificates:** - Large No. of persons produced bogus community certificate and getting employment in Railway due to similarity of names to certain communities of general categories and OBC. The issue of bogus communities certificates were earlier investigated by Vigilance Wing of Southern Railway. Later on, this task has been transferred to Personnel Branch. The details have been given to Personnel branch about employees who obtained bogus community certificate for investigation/ disposal. The Management has not taken any concrete action.

b) **Posting of SC/ST candidates/ employees near their home town on initial appointment/ promotions/ transfers including AISCTREA office bearers:** - The Railway Board from time to time issued instructions even during 2018 vide RBE No. 89/2018 to give posting to SC/ST candidates/ employees near home


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stations. But the Southern Railway not following the instructions and transfer the employees without consulting Chief Liaison Officer/ Liaison Officer.

c) **Risk Allowance to Sanitary Cleaners working in other than Hospitals:** - Earlier to introduction of 6th Pay Commission, they were paid Risk Allowance on account of continuous risk which is intended and continuous in the occupation itself. Now, the risk allowance is abruptly stopped and at the same time, the same Sanitary Cleaners working in the Hospitals are being paid allowance in the name of Patient Care allowance. Hence, employees engaged in the cleaning toilets and removing wastes in the Department and colonies, which have direct adverse effects on health may be given risk allowance.

d) **Denial of appointment to married daughters:** - Compassionate appointment are being offered to widows/ wards of the deceased/ medically unfitted Railway employees for the reason of sudden loss of income from the bread winner. However, the same is being denied in most of the cases of the SC/ST married daughters, for the simple reason of since they are married, even though the benefit is being given to the married sons of any age. Hence, compassionate appointment may also be given to married daughters.

e) **Working hours of cash office of Headquarters:** - The Employees worked in Saturday (s) and Sunday (s) also, even though they are working in Administrative office. But at the same time they are being granted casual leave as like that of staff working in Headquarters for five days and not like that of open line staff as 10 days. But at the same time they are not given any other benefits such as OTA, compensatory rest etc. The cash/ OTA be given to the employees works on Saturdays and Sundays.

f) **Release of retirement benefits:** - Due to complaint that his/ her community certificate is bogus, the retirements benefits of the employee (s) have been stopped by the administration. The Administration may be advised to release the terminal benefits.



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7. The Commission observed that the percentage of Scheduled Tribes employees in Southern Railway in Group 'A' posts are not up to All India ST percentage i.e. 7.5%. The percentage of ST employees promoted in the Group 'B' posts as on 31.03.2018 was also not up to the prescribed percentage. Similarly, Scheduled Tribes employees have not been sponsored proportionately for specialized training abroad during last three years i.e. from 2015, 2016 and 2017. There was no information about the year 2018 for the employees sent for Specialized Training Abroad.

8. Observations of the Commission are:


i. Commission appreciate for functioning of Computerized Grievance Management System and Separate Reservation Cell at Headquarters under the supervision of Principal Chief Personnel Officer.

No grievance of Scheduled Tribes pending in the Southern Railway was appreciable. No cases of sexual harassment of ST woman employees reported in Southern Railway was also appreciable.

9. The recommendations of the Commission are as under:

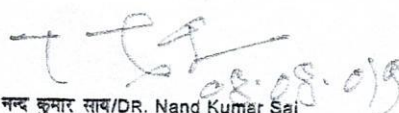
- i. The General Manager/ Principal Chief Personnel Officer should take up the issue of those employees, who produced the bogus ST certificate a complaint received against them, with the Chief Secretary, Government of Tamil Nadu/ Secretary, Adi Dravidar & Tribal Welfare Department, Government of Tamil Nadu for early disposal of cases by the State Level Scrutiny Committee.
- ii. The Principal Chief Personnel Officer will attend the Review Meeting of the State Government of Tamil Nadu to be taken by NCST on 05.07.2019 at Chennai to be brought the notice of Chief Secretary and Secretary, Adi Dravidar & Tribal Welfare Department for early decision of State Level Scrutiny Committee on the cases of fake ST certificates.
- iii. The list of ST employees, who going to retire/ retired (indicating name, post, date of retirement, name of community and native place) and their ST certificates under investigation be prepared by the Southern Railway and be provided to the Chief Secretary, Govt. of Tamil Nadu for early consideration/ disposal of State Level Scrutiny Committee and District Level Verification Committee.




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- iv. Reservation and roster system in respect of recruitment as well as promotion should be computerised by Southern Railway at the earliest. The same should be placed in public domain for use of employees which will provide transparency in the implementation of Reservation policy.
- v. ST employees needs to be trained by giving advance training in respect of their nature of job for promotion in higher grade.
- vi. Office bearers of Southern Railway SC/ST Railway Employees Association, who belongs ST category should be transferred only after consulting the Chief Liaison Officer/ Liaison Officer in respect of their Department.
- vii. ST incumbent should also be designated/ nominated as a Liaison Officer.
- viii. Before nomination's name of employees for foreign training, Chief Liaison Officer/ Liaison Officer for nomination of ST employees should be asked/consulted by Management.
- ix. Compassionate appointment to married daughters of the ST employees may be considered.
- x. The guidelines for release of retirement benefits to the employee, whose community certificate under investigation should be prepared by the Southern Railway. So that genuine ST employees may not suffer.
- xi. Separate ST Employees Railway Association in the Southern Railway be recognised, as the Management are not giving attention to their problems.




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List of Participants of the Review Meeting of Southern Railway held on 03.07.2019 at Chennai.

(File No: Review/13/Southern Railway(Chennai)/2018/RU-I)

National Commission for Scheduled Tribes

1. Dr. Nand Kumar Sai, --- In Chair
Hon'ble Chairperson
2. Miss. Anusuiya Uikey,
Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor,
Hon'ble Member
4. Shri H.C. Vasava,
Hon'ble Member
5. Smt Maya Chintamn Ivrate,
Hon'ble Member
6. Shri S.K. Ratho,
Joint Secretary
7. Shri Y.K. Bansal,
Research Officer
8. Shri R.S. Misra,
Senior Investigator

Southern Railway, Chennai

1. Shri P.K. Mishra, IRSE, Additional General Manager
2. Ms Sunita Vedantam, PCPO/SR
3. Shri S. Anantharaman, IRTS, PCOM/ SR
4. Ms Priamvada Viswanathan, IRTS, PCCM/SR
5. Shri Sudhir Panwar, IRSE, PCE
6. Shri Shubharanshu, IRSME/ PCME
7. Shri Pramod Kumar, SDGM
8. Shri R.K. Gupta, PCEE
9. Shri K. Shunmugaraj, PCMM
10. Shri K. Arul Jothi, DIG/ RPF
11. Shri R. Mukund, ADRM/2/ MAS
12. Shri J. Vishwanathan, PFA/SR
13. Shri G. Sreenivasa Rao, CPO/Admin
14. Ms G. Gayatri, DGM/ G
15. Shri S. Manga. V, PCSTE
16. Dr. B.P. Nanda, PCMD