

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. RBE/SEOTH/PETROLEUM/2010/RU-II

**Proceedings of the Sitting of Shri Oris Syiem Myriaw,
Hon'ble Member with Director (HR), EIL on 04.04.2011 at
1130 hrs**

A list of officers present in the sitting is at Annexure.

ISSUE

Representation from Ms. Rajeshwari Bhagoria (Ekka) regarding non releasing of her terminal benefits i.e. PF, Gratuity and leave encashment by Engineers India Limited in the name of caste certificate verification.

BACKGROUND

A representation dated 09.09.2010 was received from Ms. Rajeshwari Bhagoria (Ekka), ex-Manager (I.T.S), Engineers India Limited (EIL) regarding non releasing of her PF, Gratuity and leave encashment by the EIL, after her resignation/release from the organization in April,2010 in the name of verification of caste certificate by the company.

The matter was taken up with the EIL vide letter dated 16.11.2010 and e-mail dated 18.11.2010. EIL vide letter dated 29.11.2010 informed that Ms. Bhagoria has already been paid the PF accumulations. Vigilance Department, EIL had advised the Personnel Department vide note dated 2.04.2010 to withhold resignation benefit in the form of holding Gratuity etc. till completion of ST Certificate verification of Ms. Rajeshwari Bhagoria. It was further mentioned that Ms. Rajeshwari Bhagoria had already been informed vide letter dated 03.05.2010 that leave encashment will be settled after completion of the process of verification of ST certificate.


The reply of the EIL was communicated to Ms Bhagoria, who was not satisfied with the reply and insisted on her claim. In view of this, Shri Oris Syiem Myriaw, Hon'ble Member, National Commission for Scheduled Tribes decided to have a Sitting/discussion with the Chairman & Managing Director at 1130 hrs on 04.04.2011 in the Commission. Shri P. K. Rastogi, Director (HR) was deputed by the C&MD for the discussion with an authority letter.

DISCUSSION

The officials of the EIL mentioned that after issue of DoP&T instructions in 2005 based of the High Court of Delhi judgement, to get the caste certificate verified for all employees recruited after 1995, they are finding it very difficult to

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National Commission for Scheduled Tribes
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get the caste certificates verified from the State Govt. agencies within reasonable time frame.

EIL officials explained the efforts made by them in this regard, including repeatedly references to the State Govt. authorities and also reference to DoP&T for further guidance in this regard. It was further stated by them that there was no discrimination against Ms Rajeshwari Bhagoria, as nobody has been paid resignation benefits without the clearance of the Vigilance Section. Further, as a policy, resignation benefits have not been released to employees without verification of the caste certificates.

The Commission was informed that no discrimination would be done to Ms Bhagoria and, if the caste certificate verification report found out to be in her favour, she will be paid her dues with interest as per the Company's policy.

The Company officials further mentioned that they had also deputed their officials in person to get this particular issue expedited. During this course of the interaction, a report from Superintendent of Police, Bhopal dated 09.10.2009 was received mentioning that Ms. Rajeshwari Ekka or her father E. Ekka were not residing for the last 15-20 years at the address mentioned in the ST certificate. One more information was shared by the officials of the EIL that the husband of Ms. Bhagoria was dismissed in July, 2007 on the charges of producing false caste certificate. Officials further requested the Commission to help them regarding the verification of caste certificate from the State Government.

RECOMMENDATION

In view of the discussion, the Commission recommended that

- (i) EIL should take up the matter with the Ministry of Petroleum and Natural Gas for further taking it up with DoP&T and DPE for their advise in the matter.
- (ii) EIL may also take help of the Regional office of the Commission at Bhopal to get the verification expedited.
- (iii) While expediting the verification of ST certificate of Ms. Bhagoria with the State Government, a copy may be sent to Ms. Bhagoria with a request to impress upon the local authority to expedite verification.



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ANNEXURE

The following were present in the sitting on 04.04.2011 :

NCST

1. Shri Oris Syiem Myriaw, Hon'ble MemberIn Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director

Engineers India Limited

1. Shri P. K. Rastogi, Director (HR)
2. Shri S. S. Fonia, Sr. Manager (HR-Legal)
3. Shri Partho Chatterjee, Manager (HR)



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