

Proceedings of the Sitting held on 01/06/2012 in NCST in the case of Shri R Ganapathi and others regarding discrimination in filling up the backlog post of Manager reserved for STs by AAI

The following were present.

National Commission for Scheduled Tribes

1. Smt. K. Kamla Kumari _ Member.
2. Shri Aditya Mishra Joint Secretary
3. K.D. Bhansor (Mrs). Deputy Director.
4. Shri N.K. Maran, Research Officer

Airports Authority of India

1. Shri V.P. Aggarwal, Chairman
2. Shri K.K. Jha, Member (H.R)
3. Shri R.N. Srivastava, GM (H.R.)
4. Shri Balbir Singh GM (HR) Liaison Officer.
5. Shri M. Natarajan AGM (HR).

Petitioners

1. Shri Lakhan Singh.
2. Shri Vijay Kumar Meena.

Background of the Case

1. A representation dated 01/02/2012 was received in the Commission from Shri R. Ganapathi & others regarding discrimination meted out to them in filling up the backlog posts of Manager. The AAI advertised the posts of Junior Executive Trainee (JET) in the year 2003 and according to the recruitment process, the petitioners joined in Airports Authority of India in March 2006. The petitioners on joining against the Junior Executive Trainee posts learnt that the Parliamentary Committee recommended to the AAI to fill up 160 backlog /shortfall vacancies of Group 'A'. But, AAI advertised the backlog vacancies for Junior Executive Trainees, which was two grade lower, and also under projected the vacancies. AAI selected the candidates who had requisite qualification and experience. The petitioner's contention was that AAI did not report the backlog vacancies of Manager- E-3 level which were around 160 as per the Report of the Parliamentary Committee. Had these 160 vacancies of Manager E-3 level would have been advertised on time alongwith the other vacancies, the eligible candidates who were available, would have applied against the posts. It was also alleged that the Management of the AAI downgraded the post of Manager E-3 to Junior Executive Trainee E1 though there were no E-1 posts as per the assessment of posts and recommendation of the Parliamentary Committee.

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2. NCST vide letter dated 06/02/2012 sent a Notice to the Chairman Airports Authority of India for their comments and report, followed by subsequent reminders dated 01/03/2012, 04/04/2012 and 13/04/2012 Vide letter dated 25/04/2012 AAI forwarded their comments stating as under:-

- (i) Shri R. Ganapathi & Others were recruited as Jr. Executive in March, 2006 under Special Recruitment Drive (SRD) for SCs & STs.
- (ii) The Advertisement for vacancies in the grade of Junior Executive (E-1) was published in 2003, for direct recruitment at Junior Executive (E-1) level. There was no higher induction level at that point of time.
- (iii) Two separate sets of Recruitment and Promotion Rules, which existed in 2003, were followed in two divisions i.e. National Airports Division (NAD) and International National Division (IAD) and promotions were made accordingly by applying different rules.
- (iv) Subsequently, after having a series of meetings with the Associations and the Unions and detailed deliberations on the subject, the combined R&P Rules for uniform implementation in both the Divisions were approved by the AAI's Board. Accordingly, the R&P Guidelines were issued for implementation in AAI with effect from 01/02/2005.
- (v) Further, with the implementation of the revised R&P Guidelines 2005, direct recruitments are being made at two levels- Junior Executive (E-1) and Manager (E-3).
- (vi) The issue raised by Shri Ganpati in his representation on the qualification and experience becomes null and void with the issue of revised R&P Guidelines as approved by the AAI's Board and implementation thereof with effect from 01/02/2005.
- (vii) The assurance given to the Parliamentary committee on the Welfare of SCs and STs was implemented in totality.
- (viii) Shri Ganpati's contention that being a backlog vacancy, he may be appointed as Manager instead of Junior Executive is not tenable owing to the fact that the applicants had applied for the post of Junior Executive as per the advertisement released by AAI and were also recruited against the post.

3. On examination of the reply, the Commission desired to discuss the related issues with records held by the AAI in the subject matter and Hon'ble Member Smt. K. Kamla Kumari fixed up meetings but finally, the meeting could take place on 01/6/2012.

4. The petitioners were given opportunity to explain their grievances. The petitioner explained the entire case.

5. At the outset, CMD, AAI apologized to Commission for not responding to the NCST communications for the meeting which was scheduled to be held on 28/05/2012. The AAI again re-iterated the position explained earlier vide AAI letter dated 25/04/2012. It was further informed that the Board of AAI is fully authorized to take decision in the matter. Member (AAI) also submitted that the AAI is implementing Reservation Policy of the Govt. and Presidential directives in respect of reservation for SCs and STs.

6. On a query from the Commission whether the vacancies were down graded from Manager (E-3) to JET (E-1), Member (HR) AAI informed that AAI had down graded

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the post from Manager to JET. The Commission enquired whether AAI is empowered to downgrade the backlog vacancies identified, which were also recommended to be filled on time by the Parliamentary Committee. The AAI confirmed that the Board was authorized to take such decision.

7. The petition submitted that in the instant case as per pay revision order of 05/04/2000 AAI had downgraded the Manager level post to JET level. In this Connection, he quoted that Hon'ble Kerala High Court in W.P.(C)6415 of 2008 had observed that "Recruitment rules cannot be governed by Pay Revision Order". The petitioner further submitted that in their case, AAI has proceeded differently.

8. The Commission noted that the selection under Special Recruitment Drive undertaken in the year 2003 was delayed for 3 years because the offer of appointment was given to the candidates in the year 2006. The delayed appointment has resulted in delay of further promotions of petitioners.

Conclusion

(i) The Commission observed that Airport Authority of India had not followed the reservation policy in true sprit while resorting to down grading the posts of Manager to Junior Executive Trainee and in the process, had deprived the eligible SC/ST candidates to enter at the level of Manager against the backlog vacancies recommended by the Parliamentary Committee. The AAI, therefore, need to explain as to why their action shouldn't be viewed as non-compliance of the recommendations of the Parliamentary Committee to fill up the backlog vacancies and also against the interest of the ST petitioners.

(ii) The AAI was advised to re-examine the whole case in an objective manner, inter-alia, taking into consideration the fact that the petitioners, though having requisite qualification and experience for the post of Manager stood denied the opportunity for applying for this post only due to delayed action by the AAI in filling up these backlog posts. The CMD, AAI assured that the AAI would re-look into the matter a fresh. The Petitioners were also advised to submit their representation/appeal to the AAI for consideration.



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