



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

स्पीड पोस्ट

SPEED POST

File No. BSR/3/2016/MSTR2/SEOTH/RU-IV

25.10.2016

To,

The Secretary,
Ministry of Shipping,
Parivahan Bhawan,
1, Parliament Street,
New Delhi - 110 001.


2. The Chairman,
Visakhapatnam Port Trust,
Port Area,
Visakhapatnam - 530 035
(Andhra Pradesh).

Sub: Representation of Shri B. Srinivasa Rao, General Secretary, Visakhapatnam Port Trust SC&ST EWA, Visakhapatnam regarding various grievances of STs.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 31.08.2016 on the above mentioned subject for necessary action and to send the action taken report to the Commission at an early date.

Yours faithfully,


(V.P. Shahi)
Assistant Director

Copy to:-

Shri B. Srinivasa Rao,
General Secretary,
Visakhapatnam Port Trust SC&ST EWA,
Behind DLB Building, Harbour Area,
Visakhapatnam - 35 (AP).

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

FILE NO. BSR/3/2016/MSTR2/SEOTH/RU-IV

Proceedings of sitting taken by Hon'ble Vice-Chairperson, NCST on 31.08.2016 at 4.00 p.m. in case of Shri B. Srinivasa Rao, General Secretary, Visakhapatnam Port Trust SC&ST Employees Welfare Association, Visakhapatnam regarding various grievances of STs.

Date of Sitting: 31.08.2016

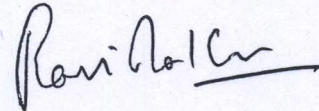
List of officers present in the sitting is at Annexure-I.

Representation dated 14/01/2016 received from Shri B. Srinivasa Rao, General Secretary, Vishakhapatnam Port Trust SC and ST EWA, Andhra Pradesh regarding various grievances of ST and SC Employees and non implementation of rule of reservation in the port.

2. In his representation the petitioner brought out a number of grievances including non-implementation of DoPT OM regarding maintaining the prescribed percentage of ST workers, completion of special recruitment drive to fill backlog vacancies, filling up of various ST posts, maintaining reservation rules in ad hoc appointments, representation for SC/STs in VPT Board, harassment of a ST lady officer and various other harassments.

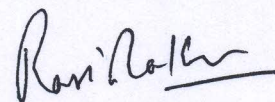
3. The Honorable Vice Chairperson, Shri Ravi Thakur visited Visakhapatnam Port Trust on 14/01/2016 and held a review meeting on 14/01/2016 at 10:30 hours with the Chairman of VPT, Managing Directors, and other Heads of Departments.

4. Reply dated 04/02/2016 was received from the Vishakhapatnam Port trust giving remarks for each point raised in the representation.



रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

5. On perusal of the case the Hon'ble Vice Chairperson decided to hold a sitting on the case with the Secretary, Ministry of Shipping, the Chairman, Visakhapatnam Port Trust and the petitioner on 31/08/2016.
6. The Secretary, Ministry of Shipping, vide letter dated 30/08/2016 sought exemption from the sitting and instead deputed Shri Barun Mitra, Joint Secretary along with Shri T. Krishna Babu, Chairman, VPT to attend the sitting.
7. In the sitting held on 31/08/2016 the issue of non implementation of DoPT OM dated 16/07/1981 was raised, which had mentioned that adequate percentage should be maintained in each appointment, even daily waged staff also. In contrast there is no ST candidate among the 605 pool khalasis in VPT.
8. To this the respondents explained that it is true that according to DoPT OM dated 16/07/1981 the rule of reservation needs to be followed for work charged posts. In 1995, a pool was created to meet the acute shortage of shore handling and ore handling labourers and these pool khalasis were the children of the deceased, voluntarily retired and medically invalidated employees. They were engaged by virtue of their seniority in the Master list without any rule of reservation. The Port Management maintained that the pool khalais were created on humanitarian grounds and there was no need to maintain reservation. Moreover, there is no functional requirement of the pool khalasis.
9. DoPT gave instructions that a master list should lapse in 1 year's time because of which there was an agitation in 2009. Subsequently the Minister of Ports gave an advice that employment be given to those whose names were in the list till 2005 on humanitarian grounds. The rest should be given compensation depending on how long they have waited in the list. However in 2010, following various representations, in pursuance of the above DoPT OM, a decision was taken on 07/06/2010 in a Board meeting to induct 17 ST pool khalasis from the open market in the field of electronics, computers, etc.
10. The petitioners submitted that the issue of pool khalasis can be discussed separately. However, he requested for appointment of all compassionate appointment cases in one go as a special case, which the Commission recommended as per requested. However, the respondent



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countered this by saying that if they start taking in people from the list which is already abolished, they have to do it uniformly to all categories of people, and it must be extended not just to the STs but to the SCs also. Anyhow, as per DoPT order, the list already stands abolished, and if they pick a certain category of people from the list already abolished, it will cause grievance to the others.

11. Secondly, regarding non-filling of backlog vacancies, the respondent brought light to the fact that backlog vacancies till 2010 was filled up. However after that the Ministry of Shipping vide their letters dated 07/10/2010, 04/07/2013 and 11/08/2015 had banned recruitment of class IV officers because of surplus posts in all ports. They also sensitized all the Major Ports that Ports do not have the power to create even temporary posts. Because of this further instructions/orders from DoPT is awaited.

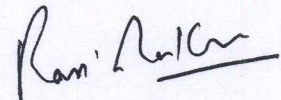
12. In the meantime Special Voluntary Scheme is in force as a welfare measure to the redundant categories of employees. It is approx. Rs. 30- 40 lakhs per person and it is a huge financial burden on the port.

13. VPT is in the process of rightsizing the organization and reducing the redundant categories significantly. Therefore the question of taking additional manpower does not arise.

14. The voluntary retirement scheme is not extended to the pool Khalasis.

15 Regarding filling up of the post of Mazdoor, TM Department SC Backlog vacancy in respect of B. Srinivasa Rao, the respondent agreed to take this up. He said that MACP can be given in his case and a decision was already taken to complete it.

16. Regarding the agreed list of the CVO in which some people were kept in the list for watching their activities in accordance with DoPT instruction, the petitioner alleged that majority of them are from SC/ST categories. The respondent readily agreed that he will take it up with the SP, CBI and CVO to solve the matter and try to reduce it. In fact the list has already been reduced to a great extent and at present the number stands at 15. The petitioners demanded that those in the agreed list of the CVO should not be barred from



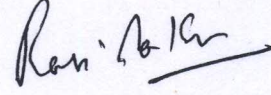
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getting promotion to which the petitioner replied that he "It have to see DoPT instructions for it".

17. The Commission noted that compliance report should be submitted within 15 days from the date of receipt of this proceedings.

18. Lastly, the petitioners submitted that there are no representatives of SC/STs in the Board of Trustees and that there should be at least 1 representative from the STs. However, the respondents replied that the members of the Board were selected according to qualifications prescribed by the Major Port Trust Act and accepting their demand would mean changing the provisions of the Major Port Trust Act, which was not in his power to do so.

The meeting ended with vote of thanks to the Chair.



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उपाध्यक्ष/Vice Chairperson
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

File No. BSR/3/2016/MSTR2/SEOTH/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Smt. K. D. Bhansor, Director
3. Ms. N. Singsit, Assistant Section Officer

Officers of Ministry of Shipping

1. Shri Barun Mitra, Joint Secretary,
2. Shri P.K. Roy, DS (PHRD)

Officers of Visakhapatnam Port Trust

1. Shri M. Krishna Babu, Chairman
2. Shri Venu Gopal T, Secretary
3. Shri K V K Chand, Sr. Deputy Secretary

Petitioners

1. B. Srinivasa Rao
2. Shri L.B. Appanna