



Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

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

Date: 22.10.2018

To,

The Chairman-cum- Managing Director,
Air India,
Airlines House ,113,
Gurudwara Rakabganj Road,
New Delhi-110001

Sub: Representation of Shri Dinesh Chandra Bhasker, Dy. Manager, Staff No. 23114/80005868 and others regarding discrimination in promotion by selection exercise making 10-12 junior employees senior in violation of Constitutional Provisions, existing Recruitment and Promotion Rules and Provisions.

Sir,

I am directed to enclose herewith a copy of Proceedings of the sitting taken by Shri Nand Kumar Sai' Hon'ble Chairperson of National Commission for Scheduled Tribes (NCST) on 10.10.2018 for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within 05 days.

Encl: As above

Yours faithfully,

(Dr. Lalit Latta)
Director

Copy to:

1. Shri Dinesh Chandra Bhasker, Dy. Manager, Staff No. 23114/80005868 email dcbhasker@airindia.in
2. Mrs. P.G.N. Jogina, Dy. Manager, Staff No. 22466 E-mail: pgnjogina@airindia.in
3. PS to Hon'ble Chairperson, NCST
4. SAS, NIC, NCST upload on the web site.

National Commission for Scheduled Tribes

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


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 : 10.10.2018

List of the officers present : Annexure-I

To review and follow up the decisions taken in the meeting by NCST on 20.03.2018 and 07.08.2018 with CMD, Air India on the complaint of above employees, a meeting was held by the Commission.

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 and decision of the Commission in the meeting held on 07.08.2018 quote "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. 01.12.2008 should be given 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." unquote. They also informed that ED-MM, ED-P, DP and DF,


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अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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Air India have already recommended in their favour to implement the provisions of JDC report (para 3.19) in case of batch promoted on 01.12.2008. Mrs. Amrita Sharan, DP (Additional Charge) informed that no recommendation was done by ED-MM, ED-P, DP & DF, Air India regarding batch promoted on 01.12.2008.

However, CMD Air India informed that he has already forwarded reply dated 26.09.2018 and handed over a copy of the same. This reply was not received till 10.10.2018 in NCST. It was observed from this reply that CMD, Air India has examined the issue but has not considered the decision of the Commission dated 07.08.2018 in totality. As Commission has recommended for implementation of JDC report (para 3.19) in case of all ST officers promoted against Notice dated 23.04.2008 to the posts of Assistant Manager with effect from 01.12.2008, giving them 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 Assistant Manager w.e.f. 15.01.2009. Moreover, CMD Air India has not taken any note of irregularities in the promotion process against notice dated 06.08.2007 for the posts of Assistant Manager w.e.f. 15.01.2009. Regarding level mapping it was informed that in this case the first step to be followed was giving proforma promotion and then to be level mapped with their equal counterparts as per the provisions of JDC report (para 3.19) which was not followed. Regarding record note of discussion held with Secretary, Civil Aviation on 04.01.2013 (enclosed with the reply of CMD, Air India to the Commission dated 26.09.2018 provided in the meeting) it is observed that the attached record note does not have any signature and agenda of said discussion was not to change the provisions of JDC report approved by



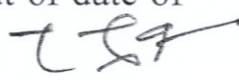
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Government of India and there is nothing to prove that this meeting was authorised to change the provision of JDC report approved by Government of India. It does not provide to keep internal promotion by selection exercises out of purview of proforma promotion but only notified selection process for direct recruitment from open market. Moreover, this meeting was not attended by any ED level official of e.w. Air India.

In view of the above, the Commission is of the view that Government of India being the final authority regarding issues related to merger of e.w. Air India and e.w. Indian Airlines and non-implementation of decisions of NCST dated 20.03.2018 and 07.08.2018, it will be appropriate that CMD, Air India may forward the earlier recommendations of ED-MM, ED-P, DP and DF, Air India regarding the batch promoted on 01.12.2008 along with decisions of NCST dated 20.03.2018 and 07.08.2018, for consideration as per provisions of Justice Dharmadhikari Committee report (para 3.19) by Ministry of Civil Aviation, Government of India and copies of the same may be submitted to NCST, New Delhi in a period of **05 days**. In the meeting, CMD, Air India agreed to forward the same to Ministry of Civil Aviation for decision in the matter.

Regarding irregularities in the promotion process against notice dated 06.08.2007 for the posts of Assistant Manager w.e.f. 15.01.2009, the Commission advised that it may be referred to Department of Personnel & Training and Ministry of Law and Justice for examination of violations of rules and regulations details of which are as under: -

1. Changing of recruitment and promotion rules after cut of date of merger i.e. 01.04.2007.




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2. 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.
3. No provision for reservation for ST candidate was provided as per the roster.
4. Employees with four years of service in 3/6 grade (clerical cadre) were promoted in Indian Airlines whereas the minimum requirement for promotion was five years in 3/6 grade (clerical cadre) in violation of the notice dated 06.08.2007.
5. More candidates were promoted in comparison to the number of vacancies.

Report of DoPT and Ministry of Law & Justice in the above matter may be submitted to the Commission within a period of 07 days.

The Commission decided that thereafter, Secretary, Ministry of Civil Aviation and CMD, Air India may be called in the Commission for sitting alongwith Mr. V. Hejmadi, Director-Finance, Mr. P.S. Negi, ED-MM, Mr. Ravi Shinde, Ex. ED-P and Liaison Officer-SC/ST and Mrs. M. Kashyap, GM-IR&L.O.-SC/ST, Air India.


18.10.18

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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Annexure-I

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 on 10.10.2018 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.

National Commission For Scheduled Tribes

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

Officers of Air India

1. Mr. Pradeep Singh Kharola, CMD
2. Mrs. A. Sharan, Director (Personnel)
3. Mr. Ashwani Sehgal, GM-P
4. Mrs. M. Kashyap, GM-IR, Liaison Officer-SC/ST

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