



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. GDP/1/2018/STGAP/SEHRMT/RU-IV

Dated: 02.11.2018

To,

1. The Principal Secretary,
Department of Energy,
Andhra Pradesh Secretariat,
Velagapudi, Guntur – District,
Amaravati, Andhra Pradesh.
2. The Chairman & Managing Director,
AP TRANSCO,
Gunadala, Vijayawada,
Krishna District,
Andhra Pradesh.

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 12.10.2018 in the matter of Shri G. Durga Prasad, Electrical Civil, Transport Contractor, Rajahmundry regarding harassment by APTRANSCO.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on 12.10.2018 on the above mentioned subject for necessary action at your end.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Copy to:

Shri G. Durga Prasad,
Electrical Civil, Transport Contractor,
D. No. 89-19-3, Sai Chitanya Nagar,
Rajahmundry – 533 103 (Andhra Pradesh)

9216-18
5/11/18
जारी किया
ISSUED

PROCEEDINGS OF SITTING HELD ON 12.10.2018 AT 02.00 P.M CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL, COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI DURGA PRASAD, ELECTRICAL CIVIL, AP TRANSCO CONTRACTOR, RAJAMUNDRY (AP) REGARDING HARASSMENT BY APTRANSCO.

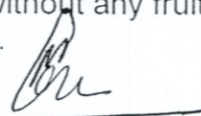
Date of Sitting: 12.10.2018

List of officers present in sitting is Annexed.

Shri G. Durga Prasad, Electrical Civil, AP TRANSCO Contractor, Rajahmundry (AP) has submitted a representation dated 01.09.2018 regarding harassment by APTRANSCO for non permission of works contract for carrying out Operation and Maintenance Assistance at 132 KV, Narsingabilli SS for the period from 01.09.2016 to 31.08.2017 and non extension of work contract.

The petitioner, Shri Durga Prasad alleged that he is a registered contractor of AP Transco, Andhra Pradesh. The work of carrying out operation & Maintenance assistance including watch and ward by engaging 4 Nos. High Skilled, 4 Nos. skilled (ITI, Electrician Trade) and 3 Nos unskilled person at 132 KV SS, Narsingabilli for the period from 01.09.2016 to 31.08.2017 was awarded in favour of him, vide LS agreement of the Superintending Engineer, OMC Circle, AP Transco, Visakhapatnam letter dated 28.12.2016. As per the terms and conditions of the Agreement, the Superintendent Engineer, OMC circle, AP Transco, Visakhapatnam also communicated R.O.R points to be observed for appointing Highly Skilled (Diploma), Skilled (ITI) and unskilled workers by him.

As per the terms and conditions of the Agreement and also as per the directions of the Superintending Engineer, OMC circle, AP Transco, Visakhapatnam, he submitted a list of names of the High Skilled workers containing 4 members, skilled workers containing 4 members and unskilled workers containing 1 member on 18.10.2016 with the request to accord necessary permission/approval for utilising of their services at 132KV SS Narsingibilli. But the Superintending Engineer, OMC circle, Visakhapatnam accorded permission only for 8 members instead of 9 members proposed i.e. 1 skilled worker proposal not approved. Again, he submitted a separate proposal dated 31.10.2016 containing 1 skilled worker and 2 unskilled workers for approval to fulfil the total requirement. But, the Superintending Engineer kept aside the 2nd proposal and approval for the same not yet communicated. Thereafter, as per approval accorded for 8 contract workers, he sent workers for operation. However, the authority concerned at substation did not permit to work the 4 approved candidates at 132KV substation, Narsingibilli and also denied to pay statutory remittance i.e. salary, EPF, ESI etc. Due to this he had to pay salary to the workers and resulting which, his contract work was expired. However, on his special request, the agreement validity period was extended for further a period one year i.e. 31.08.2018. The same was also adjusted by 31.08.2018 without any fruitful result as approved workers were not permitted to work at substation.

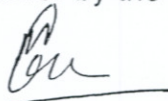


Smt. Maya Chintamn Ivnate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

for carrying out of contract work, the Divisional Engineer and other officials posted at substation misbehaved and abused with him. On the other hand, the awarded contract work was allotted to another contractor who does not belong to ST community. The work interested at 132KV SS Mallikapuram were running without having any disturbance since last 2 years. He has also filed a Writ Petition in Hon'ble High Court, Telangana and Andhra Pradesh to allow the approved workers in the substation. The Court has given verdict in his favour and the same was not implemented.

Due to the above problems created intentionally and the harassments made by the AP Transco officials, Visakhapatnam, his total turnover of the financial status has become degraded, which amounting to a huge loss and unable to participate in the Tender procedures scheduled from time to time.

2. The NCST vide its letter dated 14.09.2018, had sought the report from the Principal Secretary, Department of Energy, Govt. of AP and The CMD, AP TRANSCO, Vijayawada. Since no report was received and therefore, a Sitting was fixed on 12.10.2018 in the Commission.
3. The Joint Managing Director, AP TRANSCO, Limited appeared before the Commission with the exemption request for appearance of CMD, AP TRANSCO, Limited. The petitioner was also present.
4. During the Sitting the petitioner has submitted the grievances of non permission of works contract for carrying out Operation and Maintenance Assistance at 132 KV, Narsingabilli SS for the period from 01.09.2016 to 31.08.2017 and non extension of work contract. Thereafter, the Joint Managing Director, AP TRANSCO, Limited has submitted a report. He further informed the Commission that the Department had called tenders to hire some personnel in order to perform the Manning work at Narsingabilli substation and the petitioner Shri Durga Prasad was awarded the said work under ST category for the period of 01.09.2016 to 31.08.2017. The Contractor sent a list of candidates for the selection of the Department and the Department has finalized and approved 8 Members out of the list to join training period at the substation. In the meanwhile, one Hon'ble MLA sent a list of 10 Members of local candidates to consider them to work as Manning staff. The selected persons attended the training station at Narsingabilli substation. But local people attacked at substation for not giving preference in the selection and warned the selected candidates and staff to face dire consequences. Immediately, the Assistant Engineer of Narsingabilli substation gave a complaint to the local Police station for protection of the workers. Since the Contractor did not give preference to the locals in the said list and therefore, the gravity of issue was arisen. The work could not be started. However, the Contractor was given one year extension of the contract upto 31.08.2018. Despite this and due to non giving preference to the locals, the Contractor could not complete the said contract work within the stipulated/allotted period. It is further informed that the Contractor has filed a Writ Petition No. 30969 of 2018 in the Hon'ble High Court of Judicature at Hyderabad for extending the contract for another year i.e. upto August, 2019. The matter is pending in the Court. In addition, the allegations of misbehaviour/abuse with the petitioner by the Engineers of the project were found to be baseless.



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was awarded contract to carrying out manning work at Narsingaballi substation for a period of 01.09.2016 to 31.08.2017. As per terms and conditions, the petitioner provided a list of 8 workers and the same was approved by the AP TRANSCO Management. The selected candidates were sent for training. But the selected candidates could not be carrying out work due to fear of attack by locals and not providing Police protection by the AP TRANSCO Management. The Joint Managing Director, AP TRANSCO was stated that the petitioner is only ST Contractor and he is fit for doing Manning contract work.

6. After hearing both sides, the Commission recommends that the AP TRANSCO Management should extend the contract work for another one year i.e. upto August, 2019, considering the approved list of 8 workers (out of 1 expired worker, resulting one of vacancy). It is also recommended that petitioner will submit ~~an~~ another list of 4 members which includes the name of local workers (including one vacancy against the expired as mentioned) to AP Transco, for fulfilment of total strength of manpower i.e. 11 numbers at Narsingaballi substation and the same will be considered by the AP Transco Management. The Commission further felt that due to the said disturbance caused, the petitioner has met a huge quantum of loss in his turnover during the past 2 years. Hence, the petitioner should be provided an opportunity for award of contract under 6% ST quota. In this regard the petitioner has submitted a representation (copy enclosed). The AP Transco Ltd. will examine the petitioner's issues in positive way. The Police protection should also be provided to the Contractor as well as selected workers. At the same time the petitioner will withdraw his Court case from the Hon'ble High Court and in this regard he will submit an undertaking to the Department concerned. It may also be ensured that no injustice/harassment should be meted out against the ST petitioner.

7. Action taken report in the case should be submitted to the Commission within 30 days.



Smt. Maya Chintamni Ivate
Member
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List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Atram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Department of Energy & AP TRANSCO, Government of Andhra Pradesh

Shri P. Dinesh, IRS

Petitioner

Shri G. Durga Prasad