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. Review/Port Trust (Kamarajar)/2019/RU-IV

Dated: 16.09.2019

To,

The Chairman & Managing Director,
Kamarajar Port Limited,
(Erstewhile Ennore Port Limited)
No. 17, Jawahar Building,
Rajaji Salai,
Chennai – 600 001
(Tamil Nadu).

Sub: Report of the Review Meeting undertaken by the NCST held on 06.07.2019 on the review and monitoring of implementation of reservation policy and Constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes at Kamarajar Port Limited.

Sir,

I am directed to refer to the subject mentioned above and to forward herewith a copy of the report of the Review Meeting held on 06.07.2019 under the Chairmanship of Hon’ble Chairperson, NCST on the measures to be taken by Kamarajar Port Limited for the effective implementation of Constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

It is requested that an action taken report on the Commission’s recommendations in the matter may be furnished to the Commission within 30 days for placing the same before the Hon’ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer
Ph. No. 011-24645826

(Encl. As above)

NIC, NCST
The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon’ble President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any such recommendations.

2. In pursuance of the above constitutional mandate, a review meeting was undertaken by full Commission under the Chairmanship of Dr. Nand Kumar Sai, Hon’ble Chairperson, National Commission for Scheduled Tribes and Smt. Anusuiya Uikey, Hon’ble Vice-Chairperson, NCST, Shri H.K. Damor, Shri. H.C. Vasava and Smt. Maya Chintamn Ivnate, Hon’ble Members, NCST on 06.07.2019 at Kamarajar Port Limited, Chennai to evaluate of the constitutional safeguards, developmental schemes/programmes, being run for the welfare of Scheduled Tribes, implementation of reservation policy and other issues concerning to Scheduled Tribes by the Kamarajar Port Limited. During the review, Shri A.K. Singh, Secretary, Shri S.K. Ratho, Joint Secretary, Shri Y.K. Bansal, Research Officer and Shri Abishek Dubey, PA to Hon’ble Chairperson accompanied the Commission.

2. The list of participants is annexed.
MEETING WITH REPRESENTATIVES OF KAMARAJ PORT LIMITED ST EMPLOYEES WELFARE ASSOCIATION

3. The Commission first had a meeting with the representatives of Kamarajar Port Limited ST Employees Welfare Association to know the status on implementation of reservation policy and other issues concerning to welfare of Scheduled Tribes in the Kamarajar Port Limited. It was reported to the Commission that there is no separate ST Employees Welfare Association in the Kamarajar Port. However, some ST employees namely, Shri K.R. Maheswaran, Shri B. Kishore Naik, Shri B. Partha Sarathy and Ms. Gomathy M presented grievances of STs in respect of promotion, harassment in the name of verification of caste certificates, backlog of ST vacancies, transfer/posting etc.

During the discussion, Shri P. Radhakrishnan, DGM & Liaison Officer for STs, Kamarajar Port Limited was also present. The ST staff Members have however raised following issue before the Commission.

(i) There is a large number of ST employees/officers whose promotions and other benefits withheld for want of verification of their ST caste certificate for last many years. In addition, the retirement benefits have also been withheld in the name of verification of ST caste certificate. This is a serious issue wherein whole ST community members are being deprived from their legitimate rights of reservation in appointment, promotion and final retirement benefits. The ST community members have already provided sufficient documents with regard to genuineness of Scheduled Tribes and despite this the benefits are being denied in the name of obtaining validity caste certificate. In addition, promotions of the Scheduled Tribes in various cadre posts should not be affected in the name of pending verification of ST caste certificate. There is Govt. guidelines, which says that the community certificate once verified at the time of the recruitment shall be entered in the service book of the employees and need not be verified at every stage of promotion. But, in the case of the STs, the Govt. guidelines are not being followed. Thus, the harassment of Scheduled Tribes should be stopped and issue of caste certificate needed to be resolved urgently.

(ii) The Kamarajar Port Limited has backlog of Scheduled Tribe vacancies in all cadre posts. However, no corrective steps to fill up all ST backlog vacancies have been taken by the Kamarajar Port Limited Management despite DoPT instructions and Govt. of India's GOs.

(iii) In the State of Tamil Nadu, ST population is 01% and accordingly, 01% reservation in appointment for STs is being provided. But, in promotion, the reservation as per Govt. of India's 7% reservation is not being provided, which is violation of the Govt. of India reservation policy.
(iv) Caste based harassment with ST officials. For instances one ST official Shri Kishor was denied promotion to the next higher cadre despite being eligible in Kamarajar Port Limited.

The issues raised by the ST officials were discussed in detail and the Commission assured that all the issues raised by them will be taken up with Kamarajar Port Limited Management for affirmative action.

MEETING WITH THE CHAIRMAN AND SENIOR OFFICERS OF KAMARAJAR PORT LIMITED

4. The Hon’ble Chairperson, NCST gave inaugural address mentioning about the role and responsibilities of the Constitutional Commission and focused on the issues emerged after analysis of the information furnished in reply to the questionnaire by the Kamarajar Port Limited and issues raised by the Kamarajar Port Limited ST officials.

Shri P. Raveendran, Chairman, Kamarajar Port Limited welcomed the Commission and thereafter introduced their team of management before the Commission. He gave the brief introduction about his organization and thereafter a power point presentation on Kamarajar Port Limited was made.

The General Manager (Operation), Kamarajar Port Limited briefed on the activities undertaken by the Kamarajar Port Limited. He was stated that the Kamarajar Port Limited formally known as Ennore Port Limited is the 12th and youngest Major Port under Ministry of Shipping. As Port Authority, KPL undertakes overall port Planning, Dredging, Connectivity people and renders marine services cargo handling terminals are developed primarily through PPP under BOT mode with present capacity of 72.6 MTPA. Under CSR activities, KPL takes up CSR projects by priority to the issues which are in the National Development agenda like safe drinking water, provision of Toilets especially for girls, health and sanitation and education, etc., with the main focus to address the basic needs of the deprived, under privileged and weaker sections of the society which consists of SC, ST, OBCs, minorities, BPL families, old and aged, woman/girl child and physically challenged etc. During the year 2017-18 an amount of Rs. 222.37 lakhs were spent towards the welfare activities for the development of weaker section including Scheduled Tribes. The Port Administration is following Government Guidelines on the implementation of reservation policy for the Scheduled Tribes in direct recruitments and promotions. The KPL is a small organization having total staff strength 106. The staff strength of STs is 04. However, there is one backlog vacancy in ST category. Recruitment process was done during 2018-19. No eligible candidates applied. Re-advertisement will be taken up this year. In promotions for staff category, KPL follows a time bound promotion not based on vacancy. In Executive category, 10% relaxation in eligibility for promotion available up to E5 grade as per DPE guidelines.
The Commission observed that in similar to Chennai Port Trust, there are cases of withholding of promotion, increments, final retirement benefits etc. to the ST officials working in Port Limited for want of pending verification of community certificates. The Commission also noted that the status of representation of Scheduled Tribes in all cadre posts is regrettable position as against total staff strength of 106, the ST officials are only 04. Even though in Executive cadre posts i.e. E2 to E8 levels, there is no representation of STs. Similarly, in Staff cadre of S3 to S5 levels, there is no representation of STs. Thus, it appears that the Kamarajar Port Management has failed to maintain representation of STs as per Govt. of India’s reservation policy.

5. The Commission also felt that the issue of pending of verification cases of ST community certificate and withholding of retirement benefits, promotions etc. are serious matter. Hence, to sort out these issues, the Commission will convey a higher level meeting at New Delhi with the officials of State Government of Tamil Nadu, DoPT and Kamarajar Port Limited to arrive at a consensus and resolve the issues. However, the Commission suggested that the verification of the community certificate should be done only at the time of appointment and need not be done during each stage of promotion. If, any complaints arise on the genuineness of the community certificate of an employee, the same may be addressed to the issuing authority to check whether the same has been issued by him or not. Regarding the issue raised by the ST Employees Welfare Association, the same will be considered in positive matter and corrective steps will be taken by the Kamarajar Port Limited management. The Port management will also consider the Commission’s valuable suggestions/recommendations to protect the interest of the Scheduled Tribes.

RECOMMENDATIONS OF THE NCST

6. After detailed discussions with the ST Employees Welfare Association and Kamarajar Port Limited Management, the Commission recommends as follow:

- The Port Management will expedite all the pending cases of verification of ST community certificates with the State Government. The Port Management will also ensure that the community certificates once verified at the time of recruitment shall be entered in the service book of the employees concerned and need not be verified at every stage of promotion.
- The Commission will hold a meeting with State Government of Tamil Nadu, DoPT, Ministry of Shipping and Kamarajar Port Limited at New Delhi. In this connection, the Port Management will send all details about pending cases of caste certificate to the Commission as well as the State Government of Tamil Nadu to facilitate of meeting.
- The Port Management will consider to release promotion, retirement benefits and other benefits to the ST Employees whose ST certificate has been found as
genuine on the District Collector’s report. It also be ensured that if complaint, prima facie found to be fake or without having substantiates evidence, such cases should not be referred for verification.

- All issues raised by the ST officials be considered in positive way and corrective steps should be taken.
- The status about representation of Scheduled Tribes in all cadre posts is in regrettable position. As against total staff strength of 106, the ST officials are only 04. Even though in Executive cadre posts i.e. E2 to E8 levels, there is no representation of STs. Similarly, in Staff cadre of S3 to S5 levels, there is no representation of STs. Thus, it appears that the Kamarajar Port Management has failed to maintain representation of STs as per Govt. of India’s reservation policy. Hence, the Kamarajar Port Management should take affirmative action to maintain adequate representation of STs in all cadre posts.
- All backlog ST vacancies should be filled up in time bound manner by launching a special recruitment drive. The details of backlog vacancies and efforts made for filling up of such vacancies be intimated to the Commission.
- The promotion case of Shri Kishor be examined and considered in positive manner.
- An action taken report in the Commission’s recommendations should be submitted within 30 days to the Commission.

The meeting was ended with thanks to the Hon’ble Chairman.

श्र. नवेंद्र कुमार झा/DR. Naveen Kumar Jha
सचिव/Chairperson
राष्ट्रीय अनुशंसित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi
Government of India  
National Commission for Scheduled Tribes  

List of participants in the meeting held on 06.07.2019 at 1000 Hrs under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST with the ST Employees Association of Kamraj Port Trust.  

**National Commission for Scheduled Tribes**  

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<th>S. No.</th>
<th>Name &amp; Designation (in capital letters)</th>
<th>Contact No.</th>
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<tbody>
<tr>
<td>1</td>
<td><strong>P. RADHAKRISHNAN, DGM. &amp; L.O. SE/15</strong></td>
<td>9790901044</td>
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<tr>
<td>2</td>
<td><strong>K.R. MAHESHWARAN, EXECUTIVE TRAFFIC</strong></td>
<td>7358798705</td>
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<td>3</td>
<td><strong>B. Kishore Naik, Executive (Civil)</strong></td>
<td>7358791644</td>
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<td>4</td>
<td><strong>B. PARTHA SARATHY (FIELD ASSIST.)</strong></td>
<td>9791161633</td>
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<td>5</td>
<td><strong>G.OMATHY, M (SENIORMANAGER)</strong></td>
<td>38591088</td>
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List of participants in the Review meeting held on 06.07.2019 at 1045 Hrs at Chennai under the Chairmanship of Dr. Nand Kumar Sai, Hon’ble Chairperson, NCST with the Senior Officers of Kamraj Port Limited, Chennai regarding constitutional safeguards for Scheduled Tribes.

National Commission for Scheduled Tribes

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<td>1</td>
<td>Dr. Nand Kumar Sai, Hon’ble Chairperson (In Chair)</td>
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<td>2</td>
<td>Miss Anusuiya Ulkey, Hon’ble Vice-Chairperson</td>
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<td>3</td>
<td>Shri H.K. Damor, Hon’ble Member</td>
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<td>Shri H.C. Vasava, Hon’ble Member</td>
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<td>Smt. M.C. Ivnate, Hon’ble Member</td>
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<td>Shri A.K. Singh, Secretary</td>
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<td>Shri S.K. Ratho, Joint Secretary</td>
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<td>8</td>
<td>Shri Y.K. Bansal, Research Officer,</td>
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<td>9</td>
<td>Shri R.S. Misra, Sr. Investigator</td>
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Kamraj Port Limited, Chennai

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<td>1</td>
<td>V. Krishna Samy, Dy. GM (Oper.)</td>
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<td>2</td>
<td>A. Kumar Gupta, General Manager (Mech.)</td>
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<td>3</td>
<td>M. Gurugovind, GM (Engg.)</td>
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<td>4</td>
<td>P. Radhakrishnan, DGM</td>
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<td>5</td>
<td>Sanjay Kumar, DGM</td>
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<td>6</td>
<td>Raveendaran, P. cmd</td>
<td>9003223232</td>
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