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

File No. Review/Telangana/TSRTC/2019/RU-IV  
Dated: 18.10.2019

To,

The Managing Director,  
Telangana State Road Transport Corporation,  
(TSRTC),  
Bus Bhawan,  
R.T.C. ‘X’ Roads,  
Hyderabad (Telangana).

Sub: REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (e) OF THE CONSTITUTION ON THE MEASURES TO BE TAKEN BY THE TELANGANA STATE ROAD TRANSPORT CORPORATION, HYDERABAD FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.

Sir,

I am directed to refer to the subject mentioned above and to forward herewith a copy of the report and recommendations on the State Level Review Meeting undertaken by NCST on 30.08.2019 on the measures to be taken by Telangana State Road Transport Corporation for the effective implementation of Constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes in the TSRTC.

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  
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(Emel: Above)  
Issued  

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REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (e) OF THE CONSTITUTION ON THE MEASURES TO BE TAKEN BY THE TELANGANA STATE ROAD TRANSPORT CORPORATION, HYDERABAD FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.

(File No: Review/Telangana/TSRTC/2019/RU-IV)
Date of Review: 30.08.2019

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 of 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 along with Shri H.K. Damor, Shri H.C. Vasava and Smt. Maya Chintamn Ivnate, Hon'ble Members, NCST on 30.08.2019 at TSRTC, Hyderabad to evaluate 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 Tirumala Tirupati Devasthanams, Tirupati. During the review, Shri S.K. Ratho, Joint Secretary to the Government of India and Shri Y.K. Bansal, Research Officer, NCST were present.

3. The list of participants of the Review Meeting is annexed.
MEETING WITH REPRESENTATIVES OF TELANGANA STATE ROAD TRANSPORT CORPORATION (TSRTC) SC/ST EMPLOYEES WELFARE ASSOCIATION, HYDERABAD

4. The Commission first had a meeting with the office bearers and representatives of the TSRTC SC/ST Employees Welfare Association to know the status on implementation of reservation policy, implementation of constitutional safeguards and other issues concerning with welfare of Scheduled Tribes in the TSRTC. It was told to the Commission that there are two combined SC/ST Employees Welfare Association working for the welfare of Scheduled Tribes, one under the Chairmanship of Shri B. Rajaiah Naik and another one Shri D. Yadaiah. Therefore, the Commission interacted with the representatives of both of the SC/ST Employees Welfare Associations of TSRTC and asked them to present their issues before the Commission.

Before initiating discussion, Shri B. Rajaiah Naik, Chairman, Telangana State R.T.C. SC/ST Employees Welfare Association and other representatives of the Association along with Shri D. Yadaiah, President, Telangana State Road Transport Corporation SC/ST Employees Welfare Association and their team of Association members welcomed the Hon'ble Commission and apprised about activities under taken by the Association for the welfare of Scheduled Tribes. The issues raised by both Associations are as under:

- Both Associations namely Telangana State R.T.C. SC/ST Employees Welfare Association headed by Shri B. Rajaiah and Telangana State Road Transport Corporation SC/ST Employees Welfare Association headed by Shri D. Yadaiah be granted recognition as SC and ST Employees Welfare Sangh (in form of Supervisor Association and Security Union).
- There is huge backlog of ST vacancies in all cadres/posts in TSRTC. No action has been taken to fill up all the backlog vacancies by the TSRTC management. Hence, the TSRTC management be directed to fill up all the backlog vacancies in a time bound manner.
- Consider of promotions of all eligible ST employees as per Rule-17 of TSRTC in place of Rule-30 (Temporary promotion) and as per the new rosters duly regularizing all employees and officers.
- To nominate one member from SC or ST community in the selection committee for recruitment and promotions of ST employees. Similarly, at least four members from the SC/ST category should be included in the Settlement Committee.
- To provide reservation for STs in allotment of Scheduled Buses and outsourcing stalls in TSRTC.
- To deduct Rs. 200/- per month from the salary of each SC/ST employees towards welfare of Association etc. in every financial year.

[Signature]

Dr. Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi
To install photos and statues of Dr. Baba Sahib Ambedkar at every Bus Depot at TSRTC and participation of every officer from Depot Level for celebration of Dr. Ambedkar Jayanti be ensured. In addition, reinstallation of statue of Dr. B.R. Ambedkar at Miyapur -2 Depot be made.

Presently the accommodation allotted to the SC/ST Employees Welfare Association is in weak position. Hence, new accommodation with all facilities to the Association in Bus Bhawan be allotted.

To hold periodical meetings with Regional Managers at Regional Level, Depot Managers at Depot Level and Corporate Level Officers to address the grievances of ST employees.

The TSRTC management is not providing Duty relief at par with APSRTC to the office bearers of SC/ST Employees Welfare Association. Hence, the Association should be officially invited in all functions of TSRTC and treating them as On Duty.

Presently, in TSRTC, more than 13,000 employees belonging to SC/ST category are working and most of employees were declared unfit for promotion on the ground of fake caste certificate. This issue should be properly investigated and promotions of genuine ST should be released without any delay.

The TSRTC management is harassing ST employees in transfer/posting. Even, on the health ground, the transfers of ST officials at TSRTC headquarter are being not considered. Discrimination with regard to transfers of office bearers of Associations are also being made.

Implement reservation for STs in outsource recruitment.

The ST officials are being harassed on the grounds of initiating Departmental inquiry and imposition of arbitrary punishment. In this regard, Shri B. Rajaiah, Driver, Raniganj Depot and Chairman of TSRTC SC/ST Employees Welfare Association was terminated on the ground of alleged charge of misbehavior with seniors. This case of reinstatement into services was also recommended by the Hon’ble NCST. However, the TSRTC management has not reinstated the services of Shri Rajaiah even after passing more than one year. His appeal has also not been decided by the Appellate Authority. The TSRTC management should take immediate action to reinstate the services of Shri B. Rajaiah with all consequential benefits.

Similarly, there are other ST officials who given harsh punishment. For instance, Shri Suresh, DVM, Warangal was terminated after serving 20 years without any charges. In addition, Shri D. Venkanna, Driver and Shri D. Ramulu, Driver were not declared unfit despite medical certificate and they were harassed by way of giving punishment. These cases should be reviewed and all the officials should be given due justice reinstated in service.

The issues raised by the Association were discussed in detail and the Commission assured that all the issues raised by them will be taken up with the TSRTC Management for affirmative action.
MEETING WITH THE CMD, TSRTC AND OTHER SENIOR OFFICERS OF TSRTC

5. Before initiating the discussion, 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 TSRTC and issues raised by the TSRTC SC/ST Employees Welfare Associations.

6. Shri Sunil Sharma, Principal Secretary, Transport, Telangana and CMD, TSRTC (additional charge) welcomed the Hon'ble Chairperson, Hon'ble Members and Officers of the NCST. He also introduced about his team of Management before the Commission. He apprised activities undertaken by the TSRTC and welfare measures to be taken for the upliftment of STs.

   He informed the Commission that the Corporation was established under the provisions of RTC Act, 1950 with an objective to provide efficient, adequate, economical and properly coordinated road transport system for passenger road transport services in the state. The philosophy of the corporation is also to provide clean, comfortable and courteous services to the commuters at an economic fare, to provide employee satisfaction in financial and humanistic terms, to strive towards financial self reliance in regard to performance and growth and to attain a position of reputation and respect in the society. Consequent to enactment of Andhra Pradesh re-organization Act, 2014 and bifurcation of State, APSRTC, the TSRTC has been functionally separately w.e.f 03.06.2015. The Corporation is operating 10,469 buses from 101 Depots with 364 bus stations in the state. The entire network is under the administrative control of 11 Regional Managers in 3 zones. Presently, the Corporation is loss making Organisation.

   Regarding implementation of reservation policy in TSRTC, the Corporation is implementing 6% reservation for Scheduled Tribes in both recruitment and promotion. All applicable relaxations as per Government's directions are being extended to the STs at the time of recruitment and promotions. The TSRTC has total staff strength of 52048 employees in all cadres/posts and out of which 5.67% ST employees belonged to ST category as on 31.03.2019. The Corporation has backlog of ST vacancies in the posts of Conductor (108 vacancies), Driver (238 vacancies), Mechanic (1 vacancy) and Artisan (1 vacancy). These back log vacancies will be filled up within 6 months. The reservation for STs in allotment of stalls is also being provided. The Corporation is maintaining reservation rosters for all cadre posts in direct recruitment as well as promotions and for monitoring of reservation policy, one Liaison Officer for SC/ST has been appointed. The Corporation has one Training Academy and two Zonal Staff Training Centres located in Hyderabad and Warangal. These Training Academy impart various skills required for all category of employees. Periodical meetings are also being conducted with SC/ST Employees Welfare Associations to redress their grievances.
7. After detailed discussion, analysis of the information provided by the TSRTC and issues raised by the TSRTC SC/ST Employees Welfare Association, the Commission observed that the TSRTC has a large number of ST backlog vacancies and the same has not been filled up so far. In addition, as on 31.03.2018, the representation of STs is NIL in respect of the posts of Deputy Chief Accounts Officer, Executive Engineers, Personnel Officers, Deputy Engineers (Electrical), AE (Civil), Assistant Manager (F), Assistant Manager (Mat), Foremen, Print, ASO (Civil), Deputy Section Officer (Civil), Deputy Superintendent (F), Deputy Superintendent (Mat), Junior Assistant (Mat), Mechanist, MNO/FNO, Typist etc. Similarly, the representation of STs is very less as per prescribed percentage of 6% reservation in respect of posts of Regional Managers, Divisional Managers, Assistant Traffic Managers, AE(M), Deputy Superintendent (M), Deputy Superintendent (P), Electrician, Helpers, Junior Assistant, Painter, RTC, Senior Assistant, Sramik, Trimmer and Welder. The reservation in appointment of outsourcing staff is not made. Periodical meetings with the SC/ST Employees Associations has also not held by the TSRTC management. The Commission also felt that the ST officials are also being harassed by way of initiating Departmental inquiry and awarding harsh punishment. Especially the case of Shri B. Rajaiah, Driver who was terminated on the ground of minor charges of misbehavior and in this regard Commission's recommendations have not been implemented. This issue needs to be resolved in favour of ST petitioner. The Commission stressed the immediate action about addressing of these issues and also focused to implement the reservation policy in true spirit.

8. The CMD, TSRTC assured the Commission that all the suggestions/recommendations made by the Hon'ble Commission will be thoroughly examined and complied with.

RECOMMENDATIONS OF THE COMMISSION

8. The recommendations of the NCST are as follows:

- All backlog vacancies reserved for Scheduled Tribes in various category of posts should be filled up in time bound manner or within six months periods. The TSRTC should also ensure that no ST vacancies should remain unfilled and if required, the vacancies be filled by relaxing the norms for the posts.
- Promotions of eligible ST officials should be considered under Rule 17 instead of Rule-30 (Temporary promotion) and as per new rosters duly regularizing all employees and officers.
- The Commission noted that as on 31.03.2018, there was NIL representation of STs in some category of posts and no clarification about filling up of ST vacancies was provided. The TSRTC management should ensure that the representation of STs in all cadre posts in accordance with 6% ST reservation be maintained in direct recruitment posts as well as promotion posts.
• Reservation should be made applicable in appointment of outsourcing staff, allotment of shops and allotment of scheduled buses for the members of the Scheduled Tribes.
• The TSRTC management should appoint a Liaison Officer for SC/ST in Depot Level to address the grievances of the STs.
• Periodical meetings with SC/ST Employees Welfare Association should be held quarterly basis or thrice in a year at Regional Level and Corporate Level. The minutes of the meeting along with action taken should be intimated to the Association as well the Commission.
• The statue of Dr. B.R. Ambedkar at Miyapur-2 Depot be reinstalled. In addition, photos of Dr. Ambedkar be fixed in all Depot of TSRTC and participation of every officer from Depot Level for celebration of Dr. Ambedkar Jayanthi be ensured.
• The TSRTC be considered deduction of Rs. 200/- per month from the salary of each SC/ST employees towards welfare of Association etc. in every financial year.
• The TSRTC should consider recognition of both Associations namely Telangana State R.T.C. SC/ST Employees Welfare Association headed by Shri B. Rajaiyah and Telangana State Road Transport Corporation SC/ST Employees Welfare Association headed by Shri D. Yadaiah and new accommodation with all facilities be also considered.
• To nominate one member from SC or ST community in the selection committee for recruitment and promotions of ST employees. Similarly, at least four members from the SC/ST category should be included in the Settlement Committee.
• Duty relief at par with APSRTC to the Office bearers of SC/ST Employees Welfare Association should be considered and also Association representatives be officially invited in all functions of TSRTC and treating them as On Duty.
• In TSRTC, more than 13,000 employees belonging to SC/ST category are working and most of employees were declared unfit for promotion on the ground of fake caste certificate. This issue should be properly investigated and promotions of genuine ST should be released without any delay.
• The TSRTC management should ensure that harassing of ST employees in the name of transfer/posting be meted out.
• The Commission felt that the ST officials are being harassed on the grounds of initiating Departmental inquiry and imposition of arbitrary punishment. In this regard, Shri B. Rajaiyah, Driver, Raniganj Depot and Chairman of TSRTC SC/ST Employees Welfare Association was terminated on the ground of alleged minor charge of misbehavior with seniors. This case of reinstatement into services was also recommended by the Hon'ble NCST. However, the TSRTC management has not taken action to reinstate the services of Shri Rajaiyah even after passing more than one year and chosen to approach to Hon'ble High Court against the Commission's recommendations. His appeal has also not decided by the Appellate Authority. The Commission recommends that the TSRTC management should take immediate action to reinstate the services of Shri B. Rajaiyah with all consequential benefits within one month period.
• There are other ST officials who given harsh punishment. For instance, Shri Suresh, DVM, Warangal was terminated after serving 20 years without any charges. In addition, Shri D. Venkanna, Driver and Shri D. Ramulu, Driver were not declared unfit despite medical certificate and they were harassed by way of giving punishment. These cases should be reviewed and all the officials should be given due justice by reinstatement in service and declaring unfit on medical ground. The case of Smt. Kamala also be reviewed.

9. 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.

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