

Sh. Sanjeev Kumar Verma  
UP

**Subject: Providing information w.r.t. Original RTI Application received under the RTI Act 2005.**

Reference: RTI application dated 24.10.2022 (Registration No. DFCCIL/R/E/23/00806) and received through DOPT portal.

Information, as obtained from the concerned record holding office, is provided herewith as under;

S. No	Point No.	Information sought	Information provided
1.	1, 3 & 3	Refer to the original RTI application	Exemption is sought under section 8(e) of the RTI Act, 2005.
2.	2	dt. 24.04.2022	Your have sought for clarification in the form of information which is not covered under section 2(f) of RTI Act 2005. As such your application is rejected.
2.	2		Although information has been sought i.r.o 09 question, ids of six question are complete, one is incomplete and two have not been mentioned. The information is available at para 12 (iii) of the Detailed and Reasoned Order dated 19.10.2023 passed by GM/HR DFCCIL (copy enclosed.

First Appeal if any may be made to the First Appellate Authority within 30 days of receipt of reply. The name, designation & address of the First Appellate Authority is as under;

**Mr. Gaurav Sharma**  
GM/Administration DFCCIL,  
5th Floor, Supreme Court Metro Station Building,  
Pragati Maidan, New Delhi-110001



(S.K. Panda)  
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### DETAILED AND REASONED ORDER

In compliance of the directions contained in Order dtd.20.07.2023 passed by Hon'ble High Court of Delhi in Writ Petition (C) No.3989/2023 filed by Shri Rajesh Kumar Meena and 19 others (Petitioners), a joint representation dtd.18.08.2023 was submitted by the Petitioners to the undersigned. Further, as per the directions of the Hon'ble High Court, the Petitioners were asked to send their nominated representatives to meet the undersigned on 14.09.2023 for a personal hearing. However, the Petitioners requested to postpone the date of the personal hearing to 25.09.2023 and this was agreed to and they were advised to meet the undersigned at 14.00 hrs.

2. On 25.09.2023, three representatives of the Petitioners (S/Shri Sanjeev Kumar Verma, Chandan Kumar Singh from Tundla Unit and Shrawan Kumar from Ahmedabad Unit) met the undersigned, and they were given a personal hearing. The points raised by them during the course of hearing, in addition to the points mentioned in their representation dtd.18.08.2023, have been duly considered by the undersigned. The position is enumerated in the subsequent paragraphs.

3. Writ Petition (C) No.3989/2023 was filed by Shri Rajesh Kumar Meena and 19 others (Petitioners) before Hon'ble High Court of Delhi with the prayers to stay the process of inter-cluster promotion from Cluster A to Cluster B in pursuance of Computer Based Test (CBT) dated 13.11.2021, to furnish before the Hon'ble Court the individual marks cards of all candidates and the report of the Expert Committee constituted to consider objections and/or to pass any other order or directions that the Hon'ble Court may deem fit.

4. Counter Affidavit to the Writ Petition was filed on behalf of DFCCIL, replying to each and every point raised by the Petitioners in the Writ Petition. The Hon'ble Court neither entertained the prayers of the Petitioners nor interfered with the selection process. Therefore, after publication of the results of the CBT, further action was taken to hold the selections and promote the qualified and recommended candidates to E-5 level.

5. After going through the pleadings of both sides and on the specific request made by the Counsel for the Petitioners, the Hon'ble High Court disposed off the matter vide Order dtd.20.07.2023 with the following directions:

*"The petitioner is directed to file a fresh/detailed representation along with a copy of the instant petition as well as a certified copy of this order, before General Manager, Human Resources of the respondent no.1 within two weeks from today and after receiving the said fresh/detailed representation, the General manager, Human Resources of the respondent no.1 shall dispose of the fresh/detailed representation after hearing the petitioner and pass a detailed and reasoned order in accordance with law expeditiously, preferably within eight weeks."*



In compliance of these directions that the Petitioners have submitted their representation dtd.18.08.2023 and their nominated representatives were given a personal hearing by the undersigned on 25.09.2023.

6. Before coming to the representation dtd.18.08.2023 and the points raised during the course of personal hearing on 25.09.2023, it is considered to bring out the genesis of the matter for proper understanding in the correct perspective. All the 20 Petitioners were recruited as Multi-Tasking Staff (MTS) at N-1 Level, which is the lowest level of the organizational hierarchy. The normal promotion matrix for MTS is from N-1 to N-2, from N-2 to N-3, N-3 and N-4 level on completion of three years' service at each level and subject to being assessed as fit for promotion. Thus, in the normal course, an MTS can get promoted from N-1 to N-4 level on completion of 09 years of service.

7. A special provision was introduced in the promotion policy vide Circular No.640/2020 dtd.16.10.2020 whereby an MTS (N-1) with three years' service can appear in a CBT for promotion directly at N-5 level, ie, four levels above. The qualifying marks in the CBT is 60% keeping in view that the difficulty level of the examination has to be such that the employees are equipped with the knowledge and expertise to function at N-5 level (Junior Executive). In the present case, the CBT was scheduled to be held on 13.11.2021. However, in order to enable the candidates to prepare properly for the CBT (which was going to be held for the first time), detailed syllabus was issued vide Circulars dtd.15.01.2021 and 29/2021 dtd.19.01.2021. Thus, the candidates got almost ten months' time to prepare for the CBT.

8. In order to make the entire process transparent, a Portal was created (vide Notice dtd.16.11.2021) after the CBT was held on 13.11.2021 wherein the candidates could submit their objections, if any, for consideration by the appropriate authority. The answer key for the CBT was also circulated on 17.11.2021. After carefully examining all the objections raised in regard to the questions, it was decided to award ten (10) marks to all the candidates in the Rajbhasha Section. It was also decided to award marks for eight (08) questions which were found to be out of syllabus, two (02) questions with incorrect answer keys and one (01) question with incorrect options.

9. After considering all the objections in a fair and objective manner, the final result was prepared and published vide Circular dtd.19.01.2022. It was seen that out of eighty (80) candidates who had appeared in the CBT, fifty nine (59) candidates had qualified. Thus, the pass percentage is more than 73%. The twenty (20) Petitioners are among those twenty-one (21) candidates who did not qualify in the CBT. However, that does not mean that their promotional avenues are adversely affected. All of them have already been considered and promoted from N-1 to N-2 level and they also continue to be eligible for appearing in the CBT for promotion to N5 level (Jr.Executive) every year.



10. From the above factual position, it would be amply clear that the process of CBT held on 13.11.2021 has been fair, transparent and objective. No discrimination has been made against the Petitioners who have failed to qualify in the same. However, as already stated above, they have already been promoted to N-2 level and they are also eligible to appear in the CBT for promotion to N-5 level (Jr. Executive) every year. They will also be considered for promotion to N-3 and beyond on completion of the requisite years of service at each level.

11. Reply to the points raised in the representation dtd. 18.08.2023 submitted by the Petitioners:

The points raised in the representation were raised in the Writ Petition also and the same were replied to. However, the point-wise position is given below:

(i) No study material was provided for the CBT which was being held for the first time -

This is a false statement. In order to enable the candidates to prepare properly for the CBT (which was going to be held for the first time), detailed syllabus was issued vide Circulars dtd. 15.01.2021 and 29/2021 dtd. 19.01.2021. Thus, the candidates got almost ten months time to prepare for the CBT. Moreover, the syllabus comprised of subjects on which enough material is already available officially.

(ii) The CBT was conducted in a wholly arbitrary manner -

This allegation is denied. The CBT was conducted and concluded in a fair and transparent manner.

(iii) In Section-I, several questions were out of syllabus and beyond the standards of MTS, particularly in Rajbhasha & Arithmetic. In Section-II, some questions were beyond the scope of the syllabus -

In view of the fact that the promotion is from N1 to N5 directly, the candidates have to be prepared for a certain level of difficulty. In Rajbhasha, a conscious decision was taken to award 10 marks to all the candidates. In Arithmetic, 08 questions were out of syllabus, 02 had incorrect answer keys and 01 had incorrect options. These objections were considered by the Test Conducting Agency and it was decided to award marks for these questions.

(iv) Grievances raised by the candidates were not properly resolved. Their representations were not properly resolved -

Although there was no provision for submission or consideration of representations, still the representations were considered by the Test Conducting Agency and decided in a fair and objective manner.

(v) Out of 80 candidates, 59 candidates qualified. Some of them failed to secure the qualifying marks, but still qualified - After awarding 10 marks in Rajbhasha to all the candidates, some of them who were marginally short of the qualifying marks, got qualified. This was not grace marks, as alleged by the Petitioners.

(vi) Answer key was revised in an arbitrary manner -

This allegation is denied.

(vii) Majority of 20 Petitioners are only 01 mark short of qualifying marks. This is because their objections were not considered -

The objections of the Petitioners were duly considered by the Test Conducting Agency. Just because most of the Petitioners are only 1 mark short of the qualifying marks (60), it does not mean that their objections were not considered. Moreover, the narrow margin of falling short of qualifying marks does not strengthen their case for grant of extra marks so as to touch 60.

12. Reply to the points raised by the representatives of the Petitioners on 25.09.2023:

In addition to the points raised in the Writ Petition and representation dtd.18.08.2023, a few fresh points were raised by the three representatives of the Petitioners (S/Shri Sanjeev Kumar Verma, Chandan Kumar Singh from Tundla Unit and Shrawan Kumar from Ahmedabad Unit) at the time of personal hearing with the undersigned. The hearing was conducted in a cordial atmosphere, and they were allowed to express their points in a free manner.

The point-wise position is given below:

(i) The exam pattern was general in nature and not Department specific. The difficulty level was high and no study material was provided:

It is stated that the examination pattern and the syllabus were notified in January, 2021, while the CBT was held in November, 2021. Therefore, adequate time was available to the candidates to prepare themselves. The qualifying marks in the CBT is 60% keeping in view that the difficulty level of the examination has to be such that the employees are equipped with the knowledge and expertise to function at N-5 level (Junior Executive). There was no commitment on the part of DFCCIL to provide study material to the candidates. Moreover, the syllabus comprised of subjects on which enough material is already available officially.

(ii) No training was imparted Department-wise:

Out of 80 candidates who had appeared in the CBT, 59 had qualified. This itself shows that the time and material given to the candidates were sufficient to prepare for the CBT. These are extraneous issues which are being raised at this stage.

(iii) Fifteen (15) questions on which objections had been raised were not resolved satisfactorily:


The list of these fifteen (15) questions were taken from the candidates and forwarded to the Test Conducting Agency for reconsideration. After reconsideration of the same, they have advised that objections raised in respect of all these fifteen (15) questions are invalid. Therefore, there is no change in the marks scored by the candidates and the position remains the same.



13. The three representatives were advised by the undersigned that this kind of a scope for accelerated promotion to four levels higher is not available in any other PSU. Therefore, they should understand the importance of the same and work hard to prepare for the same. They should not get discouraged by failure in one CBT but should endeavor to clear the same in the future CBTs. They were also explained that their promotion in the normal course is not getting affected at all because they have already got promoted from N-1 to N-2 level and will be considered for further promotions to N-3 and beyond, as and when they become eligible for the same.

14. After carefully examining the representation dated 18.08.2023 and after hearing the three employees in person on 25.09.2023, I have come to the conclusion that no injustice has been done to the Petitioners and that there is no scope for any change in the selections made on the basis of CBT held on 13.11.2021.

15. With the above detailed and reasoned orders, the directions contained in the Order dated 20.07.2023 passed by the Hon'ble High Court of Delhi in Writ Petition (C) No.3989/2023 stands fully complied with.

  
19/10/2023  
(Sunder Singh)  
General Manager/HR  
19.10.2023