



सत्यमेव जयते

Government of India  
National Commission for Scheduled Tribes

*Speed Best*

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

File No. SRM/2/2017/STGDH/SEPROM/RU-I

Date: 17/02/2018

To

The Secretary,  
Irrigation & Flood Control Department (I&FC),  
Govt. of NCT of Delhi,  
L. M. Bundh, Shastri Nagar,  
Delhi – 110031.

**Sub:** Representation dated 09/05/2017 received from Shri Shiv Ram Meena, Assistant Engineer (Civil), P&D Branch, O/o CE (I&FC), I&FC Deptt., L. M. Bund Office Complex, Shastri Nagar, Delhi-110031 regarding regular promotion to the post of Executive Engineer (Civil) for Schedule Tribe candidates.

Sir,

I am directed to enclose a copy of the Minutes of Sitting held in the National Commission for Scheduled Tribes on 15/12/2017 on the above mentioned subject for necessary action. Action Taken Report in this regard may be furnished to the Commission at the earliest.

Encl: As above.

Yours faithfully,

*(Signature)*

(Rajeshwar Kumar)  
Assistant Director

Copy to:

Shri Shiv Ram Meena,  
R/o Qtr. No. 404, Block – 12,  
Type-III, PWD Colony,  
Sector – 3, Dwarka,  
New Delhi – 110078.

Copy for information to:

✓ SAS NIC (for hosting on Commission's website)

Minutes of sitting held in the Commission on 15/12/2017 at 4:00 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Shiv Ram Meena, Assistant Engineer (Civil), P&D Branch, O/o CE (I&FC), I&FC Deptt., L. M. Bund Office Complex, Shastri Nagar, Delhi-110031 regarding regular promotion to the post of Executive Engineer (Civil) for Schedule Tribe candidates.

List of participants placed at annexure A.

Representation dated 09/05/2017 received from Shri Shiv Ram Meena, Assistant Engineer (Civil), P&D Branch, O/o CE (I&FC), I&FC Deptt., L. M. Bund Office Complex, Shastri Nagar, Delhi-110031 regarding regular promotion to the post of Executive Engineer (Civil) for Schedule Tribe candidates.

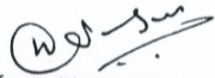
The matter was taken up with the Principal Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi for necessary action vide this Commission's letter dated 25/05/2017.

In response to the Commission's above letter, Office of the Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi replied vide their letter dated 11/07/2017 informing that Department has conducted a meeting of the DPC on regular interval on dated 09/01/2008, 19/05/2010, 05/10/2012, 26/07/2013, 9/05/2014 and 11/08/2015 for the promotion to the Assistant Engineer (Civil) post, but Shri Shiv Ram Meena did not fall under the separate zone of consideration as well as in the extended zone of consideration in eligible ST candidates, so he could not be considered for regular promotion to the post of Assistant Engineer (Civil) in the above said DPC meetings. The Department informed that the last meeting of DPC was held on 28/03/2016 and his case was considered and promoted to the post of AE (Civil) on regular basis w.e.f. 08/04/2016.

A copy of above reply was sent to Shri Shiv Ram Meena, petitioner for information and comments vide this Commission's letter dated 24/10/2017. Reference of reply of Irrigation and Flood Control Department, Govt. of NCT of Delhi, Shri Shiv Ram Meena has submitted a rejoinder dated 17/11/2017 to the Commission. On the reference of rejoinder, Shri H. C. Vasava, Hon'ble Member, NCST has fixed a sitting on 15/12/2017 at 4:00 P.M. with the Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi.

**Discussion:**

Shri J. P. Agarwal, Special Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi with Shri Bhupendra Singh, Administrative Officer appeared before the Commission on the day of sitting on 15/12/2017. Petitioner also present in the sitting. The matter was discussed in detail. The Hon'ble Member asked the petitioner to explain his grievances.

  
हरषदभाई वसाव/Harshadhbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

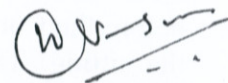
The petitioner requested to the Commission that he has been promoted on adhoc basis to the post of Assistant Engineer (Civil) on 18/05/2006 vide DPC held on 17/04/2006 under vacant post of ST category with the intervention of the Commission. He has submitted that he was eligible for regular promotion in the year 2006 that time 4 vacancies were available under ST category of AE post. Thereafter 6 times DPC meeting was held on 09/01/2008, 19/05/2010, 05/10/2012, 26/07/2013, 9/05/2014 and 11/08/2015 for regular promotion to the eligible Junior Engineer to the post of Assistant Engineer (Civil) and vacancy was also available during the above DPC meetings under ST category. He has intimated to the Commission that Seniority list of Junior Engineer (Civil) has not been updated by the Department during the above DPC meeting yet. He has submitted to the Commission that he has been requested to the Irrigation Flood Control Department, Govt. of NCT of Delhi of several times but the Department has not considered his request for promotion to the post of AE (Civil) in the above DPC held for that post. He has been regularized to the post of AE (Civil) under DPC held on 28/03/2016 but he was eligible for regularization to the above post from the DPC held on 09/01/2008.

The Hon'ble Member of the Commission asked to the Special Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi about the case. He has submitted that Shri S. R. Meena, petitioner has not been regularized in the DPC which was held on 09/01/2008, 19/05/2010, 05/10/2012, 26/07/2013, 9/05/2014 and 11/08/2015, since the vacancies of AE (Civil) under ST category was not available. Thereafter, he was regularized to the post of AE (Civil) under ST category as an when the vacancy was available.

After hearing both the parties the Commission observed that the post of AE (Civil), Irrigation and Flood Control Department, Govt. of NCT of Delhi was available under ST category during the DPC year 09/01/2008 to 11/08/2015 and the petitioner was also eligible for regular promotion to the post of AE (Civil). It is also noted that Seniority list of JE (Civil) / AE (Civil) has not been updated by the Department.

The Commission advised to the Special Secretary, Irrigation and Flood Control Department, Govt. of NCT of Delhi that Shri S. R. Meena, AE may be considered for regular promotion to the post of AE (Civil) from the DPC year 2008 as the vacancy was available. It is also advised that any doubt in the case, Irrigation and Flood Control Department, Govt. of NCT of Delhi may be consult with the DoPT, Govt. of India for clarification in the matter.

Action Taken Report in the matter may please be furnish to this Commission **expeditiously**.



हर्षदभाई वसावा/Harshadbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi