



भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

File No. HK/5/2017/STGDH/SEHRMT/RU-1

Date: 28/01/2019

To,

1. The Secretary,
Department of Power,
Govt. of NCT of Delhi, 8th Floor, B, wing,
Delhi Secretariat, I.P. Estate,
New Delhi – 110002.
Tel: 011- 23392047.
Fax No. 011 – 23392023.
2. The Chairman,
Delhi Transco Ltd,
Govt. of NCT Delhi,
Shakti Sadan, Kotla Marg,
New Delhi – 110002.
Tel: 011-23231748.
Fax No. 011-23234640

Sub: Representation dated 14/12/2017 received from Shri Hemant Kumar, R/o Flat No. 247, Sanskriti Apartments, Sector-19-B, Dwarka, New Delhi – 110075 regarding discrimination of ST candidate under ST category post in Delhi Transco Ltd.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of sitting held in the National Commission for Scheduled Tribes on 15/01/2019 at 3.00 P.M. under the chairmanship of Ms. Anusuiya Uikay, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions/ recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,


(Rajeshvar Kumar)
Assistant director

Copy for necessary to:

1. The Joint Secretary, (Reservation)
Department of Personnel & Training,
North Block, New Delhi – 110001.
Tel: 23094276. Fax: 23092869.
2. The Joint Secretary, (Seniority)
Department of Personnel & Training,
North Block, New Delhi – 110001.
Tel: 23094276. Fax: 23092869.

Copy to:

Shri Hemant Kumar,
R/o Flat No. 247,
Sanskriti Appartments,
Sector-19 – B, Dwarka,
New Delhi – 110075.

Copy for information to:

1. PS to Hon'ble Vice-Chairperson, NCST
2. NIC (for hosting on Commission's website)

Govt. of India

National Commission for Scheduled Tribes

(File No. HK/5/2017/STGDH/SEHRMT/RU-1)

Minutes of sitting held on 15.01.2019 at 03.00 P.M. under the chairmanship of Ms. Anusuiya Uikey, Hon'ble, Vice-Chairperson, NCST in case of Shri Hemant Kumar, (R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi) regarding De-reserving of ST vacancy and fixation of Inter-se seniority of AM (T) in Delhi Transco Limited, New Delhi.

List of participants is annexed.


Shri Hemant Kumar, (R/o Flat No. 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi) vide representation dated 14/12/2017 has alleged that Delhi Transco Limited had De-reserved ST vacancy in 2006 and hampered the interest of ST candidate. The NCST took up the matter with the Delhi Transco Ltd and Department of Power, GNCTD for facts and comments. The DTL had furnished the facts and comments which was communicated to the petitioner. The petitioner refuted the facts. Accordingly, Hon'ble Vice- Chairperson, NCST discussed the issue with the officer (s) of Department of Power, GNCTD and the officer (s) of DTL and petitioner in the sitting held on 03.05.2018.

The action taken by the Department of Power and DTL was not satisfactory. Hence, Hon'ble Vice- Chairperson NCST discussed the issue with the officer (s) of Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions, New Delhi, DTL and Department of Power, GNCT Delhi and the petitioner in the sitting held on 20.08.2018. After discussions in the sitting held on 20.08.2018, the Commission recommended that DTL and Department of Power, GNCTD will submit the action taken report on the following points within a period of 15 days.


शुश्री अनुसुइया उइके/ Miss Anusuiya Uikey
उषाध्वर/ Vice Chairperson
सुसुीय अनुसुचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/ Govt. of India
नई दिल्ली/ New Delhi

- (i) In view of the DoPT letter dated 16.06.2018 to DTL, the Department of Power, GNCTD and DTL should send the complete documents and original recruitment files of the year 2006 to DoPT for examining the irregularities and subsequently fixing inter-se seniority as per DoPT guidelines 2011/1/2008-Estt Dated 11.11.2010 and submit the compliance report.
- (ii) To examine the De-reservation of ST vacancies by DTL in recruitment year 2006, Department of Power and DTL should submit the recruitment files of the year 2002 to 2018 to DoPT for their examination.
- (iii) Petitioner handed over the copy of his complaints to NCST dated 14.12.2017 and 05.03.2018 to the DoPT representatives during the sitting. Petitioner should submit his any additional query/ questions copy endorsed to NCST.

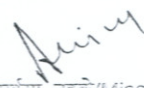
The proceedings of sitting dated 20.08.2018 was sent to the Secretary, Department of Power, GNCTD, Chairman, DTL and Joint Secretary, DoPT North Block, New Delhi for sending the action taken report vide letter dated 07.09.2018. An endorsement to the petitioner. The DTL vide letter No. DTL/1010/HR(G)/2018/1255 dated 08.10.2018 informed that the related files have been forwarded to the concerned department. But, the facts and comments in the matter was not received from the DTL, Department of Power, GNCTD and DoPT. Therefore, Hon'ble Vice- Chairperson, NCST decided to convene the sitting on 15.01.2019 for discussion with the officer (s) of DTL, Department of Power, GNCTD and DoPT and the petitioner to resolve the issue.


सुश्री अनुसुइया उज्जये/Miss Anusuiya Ujjay
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसुचित जात आयोग
National Commission for Scheduled Caste
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

In the sitting on 15.01.2019, the Secretary, Department of Power, GNCTD Delhi deputed Special Secretary, Department of Power to attend the sitting. The Director (HR), GM (HR), Deputy General Manager (HR) and Deputy Manager (HR) of DTL were appeared before the Commission and the Joint Secretary, DoPT deputed Under Secretary to attend the sitting. The petitioner was also present in the sitting.

Hon'ble Vice- Chairperson asked the representative of Department of Power, GNCTD to submit the facts and action taken by them in the matter. The representative of Department of Power endorsed the facts and comments submitted by the Delhi Transco Limited to the NCST vide their letter No. F.DTL/101/2019/HR-DM(HR)II/77 dated 09.01.2019. The representative of DTL described the comments of their letter dated 09.01.2019 wherein it was mentioned that "the DoPT in their comments have not observed any irregularities related to reservation provided to ST category in the recruitment process undertaken by the DTL. Further, DTL had never de-reserved the ST category post during the recruitment AM (T). However, due to non-availability of adequate number of ST candidates (Recruiting agency recommended only 4 ST candidates against requested 06 no. of STs) 02 numbers ST posts could not be filled in 2006 recruitment and the same posts were carried forward to be filled in next selection processes".

The DoPT vide OM No. 41034/2/2018-Estt (D) dated 14.01.2019 had forwarded the copy of observations/ comments of DoPT in the matter sent to the Department of Power, GNCTD vide their diary No. 1339135 dated 29.11.2018. The Hon'ble Vice- Chairperson asked the representative of DoPT to explain the views of DoPT. The representative of DoPT informed that the matter relates with the two



सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
पारलमण भवन, नई दिल्ली
New Delhi

divisions of the DoPT i.e. Establishment and Reservation Division, and was not able to explain the observations of DoPT.

The Hon'ble Vice- Chairperson asked the petitioner to explain the grievance. The petitioner informed that the comments of DoPT are confusing and there are no specific comments regarding De-reservation of post reserved for ST and fixation of Inter-se seniority. Therefore, the matter requires to send again to DoPT for clear comments. DTL and Power department, GNCTD also accepted that the comments of DOP&T is not clear, so the matter should send again to DOP&T for clear comments and their view on this matter.

The Hon'ble Chairperson observed that the comments of DoPT was not clear and the representative of DoPT was also not able to explain the views/ comments of DoPT. The Chairman of DTL was also not present in the sitting. Special Secretary, MOP, GNCTD and GM (HR), DTL admits that DTL follows DoP&T guidelines, OM's and instructions in the services matters. Hon'ble Vice chairperson, NCST asks the DoP&T representative regarding their refusal to comment on the referred matters. When, Vice Chairperson, NCST along with their letter dt.30.07.2018 to Secretary, DoP&T conveyed the documents wherein DTL and GNCTD admit that they follow DoP&T.

After detailed discussions, the Commission recommended that the DTL, Department of Power GNCTD and DoPT should take action on the following points within 15 days from receipt of the proceedings of the sitting. After receipt of the comments from DoPT, a sitting will be convened by the NCST to discuss the issue with the DoPT, DTL, and Department of Power GNCTD.


लुशी अनुसुईया उइके/Miss Anusuiya Ulkey
उपायक/Miss Chairperson
राष्ट्रीय अनुसुचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

1. **Seniority:** DTL received the recommendation of candidates three subsequent stages, First vide letter dt. 04.09.2006 (28 No. as advertized)), Second dt. 12.09.2006 (2 No. additional) and third on dt. 26.09.2006. (1 No. additional). DoP&T is to examine the recruitment file pertaining to recruitment of Asst. Manager(T) in DTL in year 2006 in the matter of recruitment and subsequently fixing of inter-se seniority in light of OM 20011/1/2008-Esstt(D) dated 11.11.2010 and submit clear comments.
2. **De-Reservation:** DTL against its advertized 28 vacancies (13-Gen,6-OBC,6-ST,3-SC), recruited (15-Gen, 7-OBC, 4-ST & 3-SC) in recruitment year 2006. DoP&T is to examine the De-reservation of ST vacancies by DTL in recruitment year 2006 as per OM dt December 07, 2009 and submit the examination report of recruitment and filling of ST vacancies in the cadre of Asst. Manager(T) in DTL from recruitment year 2002 to 2018.
3. Petitioner may submit additional query/ observation to DoP&T with a copy endorsed to NCST.

Amey

सुश्री अनुसुईया कश्यप (Sushri Anusuya Kashyap) / Anusuya Uikay
उपाध्यक्ष/Member
राष्ट्रीय अनुसुचित जात आयोग
National Commission for Scheduled Tribes
भारत सरकार, नई दिल्ली
भारत / New Delhi

Govt. of India

National commission for Scheduled Tribes

(File No. HK/5/2017/STGDH/SEHRMT/RU-1)

List of Participants in the sitting held on 15.01.2019 at 03.00 P.M. under the chairmanship of Ms. Anusuiya Uikey, Hon'ble, Vice-Chairperson, NCST in case of Shri Hemant Kumar, (R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi) regarding De-reserving of ST vacancy and fixation of Inter-se seniority of AM (T) in Delhi Transco Limited, New Delhi.

I. National Commission for Scheduled Tribes

1. Miss Anusuiya Uikey, Hon'ble Vice- Chairperson
2. Shri Gaurav Kumar, PS to Hon'ble VC
3. Shri Rajeshwar Kumar, Assistant Director
4. Shri R.S. Misra, Senior Investigator

II Department of Personal & Training (DoPT)

Shri Pradeep Kumar, Under Secretary

III Department of Power, Govt. of Nct of Delhi

Shri Mukesh Prasad, Special Secretary

IV Delhi Transco Ltd, Govt. of Nct of Delhi

1. Shri Mukesh Prasad, Director (HR)
2. Shri Mukesh Kumar Sharma, GM (HR)
3. A.N. Mishra, Deputy Manager (HR)
3. Shri Vasudev, DGM (HR)

V Petitioner

Shri Hemant Kumar