



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

F. No. SHR/4/2013/MDEF2/SEPROM/RU-IV

Dated: 27/02/2019

To

The Engineer-in-Chief,
Military Engineering Services,
Engineer-in-Chiefs Branch,
Integrated HQ of Mod (Army), Kashmir House,
New Delhi – 110 011.

2. The Director General (Pers),
E1 (DPC), Military Engineer Services,
Engineer-in-Chiefs Branch,
Integrated H.Q. of Mod (Army),
New Delhi – 110 011.

Sub: Proceedings of the Sitting taken by Miss Anusuiya Uikey, Hon`ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 13-02-2019 in the case of Shri Hemanth Raju. And others, Military Engineering Service regarding denial of promotion from JE(Civil) to AE(Civil) and non-conduction of DPC for promotion.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 13-02-2019 under the Chairmanship of Miss Anusuiya Uikey, Hon`ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action.

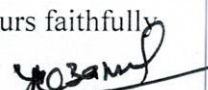
It is requested that action taken report in the matter may please be sent to the Commission within 07 days positively for placing the same before the Hon`ble Vice-Chairperson, NCST. A line of action taken in this regard may also be intimated to this Commission as well as the petitioners concerned at the earliest.

Encl: As above.

Copy to:

1. Shri S.Hemanth Raju,JE(Civil),
O/o Asst Garrison Engineer (B/R)R&D),
Military Engineering Services (MES),
Naval Materials Research Lab (NMRL),
Ambernath – 421506
District-Thane (Maharashtra)
2. Shri Sumer Singh Meena,JE(Civil),
O/o the Asst. Garrison Engineer (B/R) South,
Military Engineering Services (MES),
Queens Road, Jaipur Cantt,
Jaipur – 302 012 (Rajasthan).
3. Shri Jeet Singh Meena,JE(Civil),
O/o the Asst Garrison Engineer Bharatpur,
Military Engineering Services (MES),
Kanjoli Lines
Bharatpur – 321 001 (Rajasthan).
4. Shri Sunil Tok, JE (Civil),
O/o the GE 859 EWS,
Tenga Valley, Military Engineers Services (MES),
District – West Kameng, (A.P.)

Yours faithfully


(Y.K. Bansal)

Research Officer

Copy to: - SAS, NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SHR/4/2013/MDEF2/SEPROM/RU-IV

PROCEEDINGS OF SITTING HELD ON 13.02.2019 AT 2.00 P.M. CHAIRED BY MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI HEMANTH RAJU. S AND OTHERS, MILITARY ENGINEERING SERVICE REGARDING DENIAL OF PROMOTION FROM JE(CIVIL) TO AE (CIVIL) AND NON CONDUCTION OF DPC FOR PROMOTION.

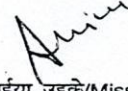
Date of Sitting: 13.02.2019

List of officers present in sitting is Annexed.

The petitioner Shri Hemanth Raju and others, Military Engineering Service vide his representation dated 21.12.2018 has represented before the Commission that the Commission's recommendations issued vide letter dated 13.11.2018 in connection with conduction of review D.P.C. for promotions of all eligible Scheduled Tribes to the post of A.E. (Civil) w.e.f. August, 2018 for the vacancy year 2017-2018 at par with promotions made for other candidates have not been implemented so far despite assurance given by the officers of the Ministry of Defence in the Commission for conduction of review D.P.C. by the end of November, 2018. In addition, the Department concerned has not implemented the orders of Department of Personnel & Training O.M. dated 15.06.2018 regarding consideration of promotions of SC/ST based on Own Merit basis. Due to which, an about 200 SC/ST incumbents are being deprived from promotion. The Commission may intervene in the matter and direct the Department concerned to issue promotion orders of S.T. candidates based on review D.P.C. including the promotions of Scheduled Tribes based on Own Merit basis.

2. Earlier the Commission had held a sitting in the said matter on 30-10-2018 and had made recommendations that the Management of MES, Ministry of Defence should immediately conduct review D.P.C. for vacancy year 2017-18 to consider the promotions of all eligible Scheduled Tribe candidates including the petitioners for promotion to the post of A.E. (Civil) w.e.f. August 2018 at par with promotions made of other candidates and a copy of the promotion order of the S.T. employees including petitioners should be made available to the Commission. The recommendations of the Commission were issued on 13.11.2018 for compliance report.

3. Since, no action taken report on the Commission's recommendations have received, therefore, the Commission has decided to have a sitting on 13.02.2019 in the Commission.


सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली/New Delhi

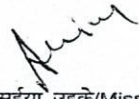
4. Accordingly, a sitting was held on 13.2.2019. In sitting, the Director, (Pers)/E1(DPC) and Deputy Director E1(DPC) from MES, Ministry of Defence appeared. The petitioners were also present.

5. During the sitting the petitioner Shri S. Hemanth Raju submitted before the Commission that no action has been taken by the Department either to conduct Review DPC for the vacancy year 2017-18 to consider himself and all eligible ST candidates for promotion to the post of AE(Civil) w.e.f. August 2018 at par with promotions made of other candidate and nor issued promotion order of ST employees as per direction/recommendation of the Commission given under Para 8 of Proceedings of sitting held on 30.10.2018. No action taken report has also been submitted to the Commission. In addition, the Department has not considered promotions of SC/ST candidates based on Own Merit basis in ongoing review DPC and due which about 200 SC/ST candidates are being deprived from promotion. The DoP&T has also issued clarification vide its O.M. dated 15.06.2018 to consider promotion of SC/ST against Own Merit promotion. It is pointed out that the other Departments/Ministries of the Government of India have also granted promotions on the basis Own Merit. But, the MES Department of Ministry of Defence is only Department, who has not issued promotions to the eligible SC/ST candidates against Own Merit basis.

6. The Director (DPC), MES, Ministry of Defence informed the Commission that as per the Commission's recommendations, the department has conducted Review DPC in the month of November, 2018. In the Review DPC, the name of the petitioners were also considered and approved. However, before the issuing of panel of promotion, the petitioners have submitted a representation raising objections against conduction of Review DPC and consideration of promotions of SC/STs based on Own Merit basis. Therefore, the Department has sought an opinion/advice of the DoPT in this regard. But the DoPT did not give clear opinion about consideration of promotions of eligible SC/STs against Own Merit promotion. This was reason to not issue the promotion orders. However, the Department has again sought opinion/advice of the DoPT in the matter through the Administrative Ministry of Defence.

He was further stated that the panel of promotion is ready and if, the petitioners are agreed, then the promotion orders will be issued within 7 days. In addition, the promotion orders will be issued on provisional basis and rectification/modification will be made in the promotion orders after receipt of clarification from the Department of Personnal and Training (DoPT). The issued wrong promotions will also be reviewed and necessary corrective action will be taken in accordance with clarification of the DoPT.

7. The case was discussed in detail. The Commission observed that the promotions of the ST petitioners have already been got delayed and due to which the


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eligible ST candidates are deprived from their legitimate rights. The MES Department has conducted Review DPC and prepared panel of promotion to the post of AE (Civil). But the promotion orders could not be issued due to clarification from DoPT. The Commission therefore recommends that:

- The Ministry of Defence (MES) should issue promotion cum posting order of all ST employees including petitioners from JE to AE (Civil) within 7 days.
- The Department should expedite clarification from the DoPT and Ministry of Defence and after receipt of the clarification, necessary action may be taken to place the SC/ST candidates against unreserved points of the roster on the basis of Own Merit.
- The promotion orders should be effected as per DoPT O.M. dated 15.06.2018 and it may be ensured that no eligible SC/ST candidates be deprived from promotion.
- Upon receipt of the clarification from the DoPT all issued wrong promotions will be reviewed and corrective action will be taken.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 7 days from the receipt of the proceedings.


सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. SHR/4/2013/MDEF2/SEPPROM/RU-IV)

List of participants

NCST

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri Gaurav Kumar, PS to VC
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R. Meena, Sr. Investigator

Officers of Ministry of Defence

1. Shri. S.K. Chowdhary, Director E1 (DPC)
2. Shri V.S. Bhartiya, Deputy Director E1 (DPC)

Petitioners

1. Shri S. Hemanth Raju
2. Shri K. Mohanraju