



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. RO/5/2018/MDEF2/SEPROM/RU-IV

Dated: 01.05.2019

To,

1. **The Secretary,**
Ministry of Defence,
Room No. 101-A, South Block,
New Delhi – 110 011.
2. **The Chief of Personnel,**
IHQMOD (Navy),
Ministry of Defence,
'C' Wing, 2nd Floor, Room No. 209-A,
Sena Bhawan, New Delhi – 110 011.

Sub: Proceedings of the sitting taken by Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 11.04.2019 in the matter Shri Rajendra Oraon, JDO (Conts), DND (SDG), IHQMoD (Navy), New Delhi regarding promotion to the post of Senior Design Officer-II (C) for forthcoming DPC 2018-19.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 11.04.2019 under the Chairmanship of Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 15 days for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer
Ph. 24645826

Encl: As above

Copy to:

Shri Rajendra Oraon,
JDO (Conts), DND (SDG),
IHQMoD (Navy), West Block-V,
R.K. Puram,
New Delhi – 110 066.

3691-93
11/5/19
जारी किया
ISSUE
JC

✓ Copy to - SAS, NIC, NCST.

Y.K. Bansal
01/05/19

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RO/5/2018/MDEF2/SEPROM/RU-IV
PROCEEDINGS OF SITTING HELD ON 11.04.2019 IN THE COMMISSION UNDER THE
CHAIRMANSHIP OF MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NCST IN
THE CASE OF RAJENDRA ORAON, JDO(CONTS), IHQ MOD(NAVY), NEW DELHI
REGARDING DENIAL OF PROMOTION TO THE POST OF SENIOR DESIGN OFFICER-II
(C) AGAINST REVIEW DPC OF 2007-08 AND SUBSEQUENT PROMOTION TO THE POST
OF JDO.

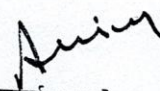
Date of sitting: 11.04.2019

List of officers present in sitting is Annexed

The petitioner Rajendra Oraon, New Delhi vide his representation dated 19.11.2018 has submitted the grievances before the Commission regarding denial of promotion to the post of Senior Design Officer-II (C) and subsequent promotion to the post of JDO (C).

The petitioner has represented that he is working as JDO(Conts), DND(SDG), IHQ MoD (Navy), New Delhi. His junior Shri Anil Arora was promoted to the post of SDO-II in place of him. This is happening since promotion of CDM(C) in year 2007 which was extended in the year 2012.

A DPC for consideration of promotion for the post of Senior Design Officer-II (Construction) was held on 20.11.2018 and IHQ MoD (Navy)/DCP Directorate purposely did not consider his name for the vacancies pertaining to the year 2018-19. On the other hand, his juniors were considered for promotion by the said DPC. He has also requested to the Department concerned to review his promotion to the post of Senior Design Officer-II (Construction) and should be considered to not release promotion panel/promotion order till his review DPC is held. He submitted several representations for his promotion to the authorities concerned. But no reply/any communication was received. Earlier the Department had promoted to him as Chief Draftsman (Construction) on 27.07.2007. Whereas, Shri P.K. Das was promoted as Chief Draftsman(Construction) on 11.12.2007. Shri P.K. Das was further promoted to the post of JDO(C) on 15.03.2008 without completion of residency service i.e. 5 years regular service in the grade of Draftsman Grade-I and Chief Draftsman (C) as per recruitment rules. Since he had completed more than 5 years of residency service in the grade of Draftsman Grade-I (C) and Chief Draftsman (C) in March, 2008. Therefore, he was eligible to be considered for promotion w.e.f. March, 2008. However, his name was not included in the DPC held in 2007-08 and instead of his junior namely Shri Anil Kumar Arora, Draftsman Grade-1 (C) was included in the DPC 2007-08 and promoted to the post of JDO(C). The petitioner requested that his seniority in the cadre of Chief Draftsman(C) should be considered with the date of promotion on 27.07.2007 and his promotion to the post of JDO(C) to be considered w.e.f. March, 2008 in which year Shri P.K. Dass and Shri Anil Kumar Arora were considered for promotion

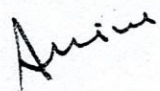

सुश्री अनुसुइया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. The NCST vide its notice dated 22.11.2018 sought a report from the Secretary, Ministry of Defence and the Chief of Personnel, IHQ MoD (Navy), Ministry of Defence, New Delhi. Inturn, the Directorate of Civilian Personnel, Integrated Headquarters, Ministry of Defence (Navy), New Delhi vide its letter dated 07.12.2018 informed the facts of the case that as per the seniority list of DM-1 as on 01.01.2007, Shri Rajendra Oraon was at SI 114 and Shri P.K. Dass and Shri Anil Kumar Arora, were at SI 16 and 48 respectively. Similarly, in the eligibility list for promotion to the grade of JDO (Const), Shri P.K. Dass, Anil Kumar Arora and Rajendra Oraon were at SI 5,6 and 27 respectively. Hence, Shri Rajendra Oraon is quite junior to both of them. Shri Rajendra Oraon was also considered for promotion to the grade of CDM in the panel year 2007-08 in the Review DPC held on 03 Aug 12. Based on the representation of Shri Viresh Chandra and Shri Rajendra Oraon, the DPC for the grade of JDO for the year 2007-08 to 2011-12 were reviewed by taking in to account their seniority in the grade of CDM on 08 Sep 2015. The promotion of Shri Rajendra Oraon to the grade of JDO was accordingly antedated from 2010-11 to 2009-10. There exists no ambiguity in the promotion of Shri Rajendra Oraon. The above facts have been communicated to him vide IHQ, MoD(N) note of even number dated 20 Nov 18 and also explained to individual verbally by the dealing officer on 19 Nov 18.

3. As the Department's report was found to be unsatisfactory and therefore, a sitting was conveyed on 11.04.2019 under the Chairmanship of Hon'ble Vice-Chairperson, NCST to have a discussion with the authorities concerned.

4. In sitting, the Joint Secretary (Navy), Ministry of Defence, Principal Director (Civilian Personnel), IHQ and Senior Administrative Officer (Navy), M/o Defence (Navy) appeared. The petitioner along with his Defence Associate also present.

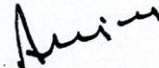
5. The petitioner informed the Commission that it is a case of non extension of ST reserved posts to ST employees on the basis of post based roster reservation. The petitioner's case was started in the year 2003 with request to implement DoPT order dated 06.11.2003 which restricts the exchange of vacancies between SC and ST. This order provides that if SC/ST candidates appointed by exchange between SC and ST in excess of reservation prescribed for them, such cases may be adjusted in future recruitments. The Navy authorities promoted 03 SC candidates against 03 ST vacancies to the post of Chief Draftsman violating the DoPT instructions. But in the petitioner's case, the ST vacancy was not given to eligible ST candidates despite the DoPT instructions on non permission of exchange of reserved vacancies. Thereafter, he approached to the NCST and upon intervention of the Commission, the Department has conducted review DPC in the year 2012 and he was given notional promotion to the post of Chief Draughtsman from the year 2007-08. However, the Navy authorities did not provided the copy of the Review DPC of March, 2007 reflecting his name and amended seniority list of Chief Draughtsman of the year 2007. Thereafter, if his name would have been duly considered in DPC held in March, 2007 promoted notionally w.e.f. date of DPC, then he would be have been considered for promotion to the next grade of JDO held in July, 2007. In addition, no official order on the date of notional promotion given to the petitioner in 2007 against ST vacancy was provided to the petitioner. In the meanwhile, the Department has given dual promotion to one general category employee Shri P.K. Dass ignoring his claim of promotion.


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

6. The Principal Director, Civilian Personnel, Ministry of Defence informed the Commission that the petitioner Shri Rajendra Oraon has been given benefit of promotion against ST vacancy w.e.f. 2007 by conducting review DPC in the year 2012. With regard to petitioner's date of promotion it is informed that the date of notional promotion of Shri Rajendra Oraon in 2007 is 01.04.2007. The DPC for CDM for the year 2007-08 was held in June, 2007 and not in March, 2007. Shri Rajendra Oraon is not fulfilling the condition for promotion and inclusion of his name in the DPC for JDO held in July, 2007. In addition, Shri Dass was considered as DM-1 being senior to Shri Oraon and not as CDM in DPC of JDO. Since, the petitioner Shri Rajendra Oraon was not fulfilling the condition to be included in the DPC for JDO in July, 2007, hence Shri Anil Arora DM-1 was promoted.

7. The case was discussed in detail. The Commission observed that on earlier intervention of the Commission, the petitioner got promotion w.e.f. 2007. However, the Department concerned did not provide the promotion order and seniority list for the post of CDM to the petitioner. The Commission therefore, recommends that the Ministry of Defence, Navy authority may provide a copy of the order of review DPC of vacancies pertaining to the year 2007 held in the year 2012 reflecting name of Shri Rajendra Oraon (petitioner), notional promotion order to the post of CDM w.e.f. 01.04.2007 and seniority list of CDM for the year 2007 to the petitioner as well as the Commission within 15 days from receipt of this minutes.

8. Action taken report on the recommendation of the Commission should be submitted to this Commission.


सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RO/5/2018/MDEF2/SEPPROM/RU-IV

List of participants

NCST

1. Miss Anusuiya Uikey (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Gaurav Kumar, PS to Member
4. Shri Y.K. Bansal, Research Officer
5. Shri H.R. Meena, Sr. Investigator

Officers of Ministry of Defence

1. Smt. Richa Misra, Joint Secretary (Navy), Ministry of Defence
2. Cmde. Iqbal Singh Grewal, Principal Director (Civilian Personnel), IHQ, MoD
3. Shri T. Hussain, Sr. Admin Officer, IHQ, MoD

Petitioner

1. Shri Rajendra Oraon
2. Shri Kamal Singh