



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. AS/3/2012/MHFW1/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली -110003  
6<sup>th</sup> floor, 'B' Wing Loknayak Bhawan,  
Khan Market, New Delhi-110003  
दिनांक /Dated: 16.06.2016

To,

1. The Secretary,  
Ministry of Health and Family Welfare,  
Govt. of India,  
Nirman Bhawan, New Delhi-110011
2. The Medical Superintendent,  
Safdarjung Hospital,  
New Delhi-110029

Sub: Representation of Shri Amar Sah, A/1-339 Madhu Vihar, Uttam Nagar New Delhi regarding Appointment on Tailor post in Safdarjung Hospital.

Sir,

I am directed to enclose a copy of Proceedings of the Sitting taken by Hon'ble Vice-Chairperson, NCST, on 28.04.2016 for necessary action and to send the action taken report to the Commission urgently.

Yours faithfully,

  
(V.P. Shahi)  
Assistant Director

Copy to:

Shri Amar Sah,  
A/1-339 Madhu Vihar,  
Uttam Nagar,  
New Delhi-110059

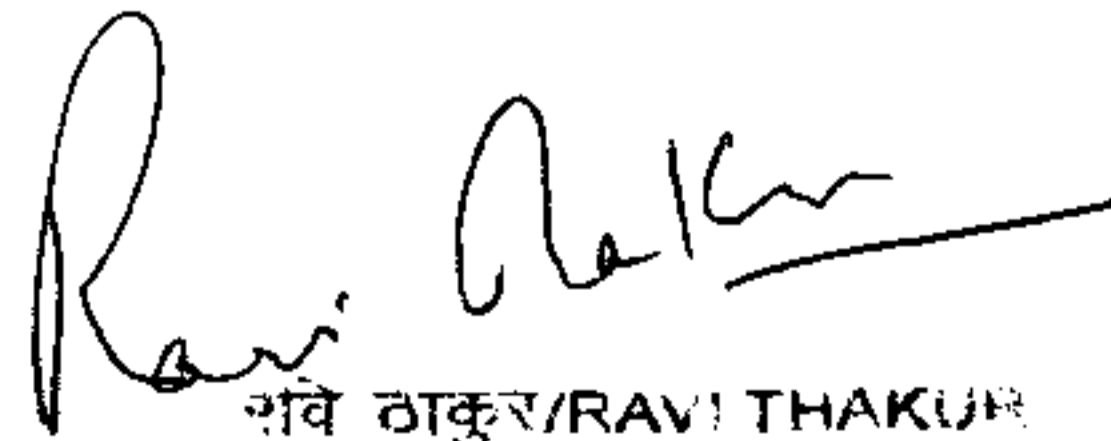
**Proceedings of hearing held under the Chairmanship of  
Shri Ravi Thakur, Hon'ble Vice Chairperson,  
National Commission for Scheduled Tribes,  
Government of India on 28-4-2016 at 12.00 Noon  
in the Commission HQs on the petition filed by  
Shri Amar Sah, r/o Madhu Vihar, Uttam Nagar, New Delhi  
regarding his appointment as Tailor in Safdarjung Hospital,  
New Delhi.**

**List of participants are at Annexure-I**

The Commission held hearings on the petition filed by Shri Amar Sah, resident of Madhu Vihar, Uttam Nagar, New Delhi regarding his appointment as Tailor against a post reserved for scheduled tribes in the Safdarjung Hospital, New Delhi on 20-2-2015, 2-7-2015, 12-2-2016 and on 28-4-2016.

2. The point at issue is that Shri Amar Sah applied for a post of Tailor in Safdarjung Hospital, New Delhi which is reserved for ST. He was selected for the post and was offered the post vide offer of appointment dated 2-5-1997. At the time of acceptance of the post, he submitted a caste certificate which shows that he belongs to 'Gond' community which is considered as ST community. On verification of the same, on a later date from the concerned authority, it is informed that based on the Hon'ble High Court of Bihar judgement dated 15-7-1993, the Gond caste which was treated as ST earlier has been treated as OBC. Accordingly, the offer of appointment was cancelled. However, this caste 'Gond' has again been notified as ST by the Government of Bihar on 28-02-2007 and a certificate to this effect has been issued to Shri Amar Sah in 2008 as ST.

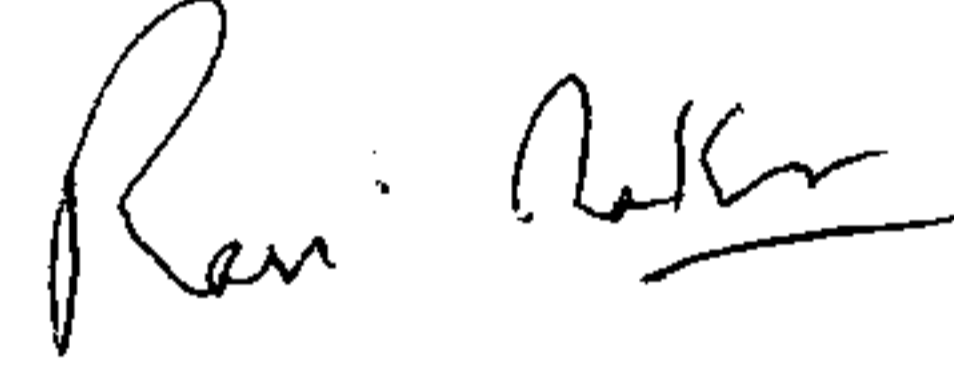
3. Shri Amar Sah approached the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi vide OA No. 173/98 which ordered the respondents on 12-10-1998 to review the claim of the applicant that he belongs to Gond – ST de novo and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of the order. However, based on this direction of the Hon'ble CAT, the respondents did not consider the direction for 'de-novo ST status' direction and they stuck to the order of the Government of Bihar authorities.

  
शुुवे ठठकुुर/RAVI THAKUR  
उउषषुुखुुखुु/Vice Chairperson  
ररषुुदुुीय अअनुनुसुुचुुत जजललजजतुुत आआयुुषुु  
Nnational Commission for Scheduled Tribes  
भभररत सररकुकुुर/Govt. of India  
ननई ददिलुुी/New Delhi

4. In effect, Shri Amar Sah remained out of the list of Scheduled Tribes from 17-9-1997 to 28-2-2007. In other words, before 17-9-1997 and after 28-2-2007, Shri Amar Sah remained as ST.

5. In the meeting held on 28-4-2016, the Safdarjung Hospital authorities have they don't have any objection in offering Shri Amar Sah a job as Tailor once it is certified that the period from 17-9-1997 to 28-2-2007 the caste of Shri Amar Sah shall be treated as ST. Officers from Ministry of Health and Family Welfare, Government of India has stated that they have already taken up the issue with the Department of Personnel & Training and Ministry of Tribal Affairs. They are taking up the matter with Ministry of Law and Justice for clarifying the position whether during the break-in period from 17-9-1997 to 28-2-2007 can be considered as being Scheduled Tribe as before and after the candidate is having scheduled tribe status.

6. It has been apprised by the Ministry of Health & Family Welfare officials that once the information is received from the Law Ministry the same shall be intimated to the Commission. Later on if required officials of Siwan district and the State Government of Bihar officials can be called to attend the Commission to resolve the issue, if still persists once the information is received from the Ministry of Law.



रवि ठाकुर/RAVI THAKUR  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

List of Participants

1. Shri Ravi Thakur, Hon'ble Vice Chairperson: In Chair  
National Commission for Scheduled Tribes
2. Dr. A. K. Rai, Medical Superintendent,  
Safdarjung Hospital, New Delhi.
3. Dr. K. T. Bhowmic, Additional Medical Superintendent,  
Safdarjung Hospital, New Delhi
4. Shri Oma Nand, Director, Ministry of Health & Family Welfare,  
Government of India, Nirman Bhawan, New Delhi.
5. Shri Sanjay Pant, Under Secretary, Ministry of Health & Family  
Welfare, Government of India, Nirman Bhawan, New Delhi
6. Shri Ram Niwas, Accounts Officer, Safdarjung Hospital.
7. Shri V. P. Sahai, Assistant Director, National Commission for  
Scheduled Tribes, Government of India, New Delhi.
8. Shri N. Balasubramanian, Research Officer, National  
Commission for Scheduled Tribes, Government of India, New  
Delhi.
9. Shri Deepak Kumar, LDC, Safdarjung Hospital.