



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)

Case File No. SB/1/2016/MCOM1/SEHRMT/RU-IV

Dated: 20.06.2019

To,

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| 1. <b>The Secretary,</b><br><b>Ministry of culture,</b><br>Room No. 502, 'C' Wing,<br>Shastri Bhawan,<br>Dr. Rajendra Prasad Road,<br>New Delhi – 110 001. | 2. <b>The Director,</b><br><b>Centre for Cultural Resources and Training</b><br><b>(CCRT),</b><br>15A, Sector -7,<br>Dwarka,<br>New Delhi – 110 075. |
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**Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 10.06.2019 in the matter of Shri S. Baa, Ex-Deputy Director (Admn), Culture Resources and Training (CCRT) regarding harassment and forcefully imposition of penalty of compulsory retirement by the authorities of CCRT under Aegis of Ministry of Culture.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 10.06.2019 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

*(Signature)*  
(Y.K. Bansal)  
Research Officer  
Ph: 24645826

Encl: As above

Copy to:

Shri S. Baa,  
20-C, Lane-1,  
Krishna Nagar,  
Safduriung Enclave  
New Delhi – 110 029.

*Copy to: - SAS NLC, NCST.*

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SB/1/2016/MCOM1/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 10.06.2019 CHAIRED BY Dr. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI S. BAA, EX-DEPUTY DIRECTOR (ADMIN), CULTURE RESOURCES AND TRAINING (CCRT) REGARDING HARASSMENT AND FORCEFULLY IMPOSITION OF PENALTY OF COMPULSORY RETIREMENT BY THE AUTHORITIES OF CCRT UNDER AEGIS OF MINISTRY OF CULTURE.

Date of Sitting: 10.06.2019

List of officers present in sitting is Annexed.

Shri S. Baa, Ex-Deputy Director (Admin), Culture Resources and Training (CCRT), New Delhi had submitted a representation regarding his harassment and arbitrary imposition of penalty of compulsory retirement by the authorities of CCRT under aegis of Ministry of Culture. He alleged that in 2006, he pointed out certain irregularities about appointment of some officials in the department and due to which he was transferred to the Regional Centre at Guwahati in the year 2008. When he objected about his illegal transfer, he was suspended on 06.02.2009. However, on the intervention of the Commission, his suspension order was revoked. But the Department had initiated an inquiry against him on fake charges. The petitioner further stated that the Hon'ble National Commission for Scheduled Tribes had directed CCRT authority to withdraw the Departmental proceedings, which was not complied with. Finally, the DG, CCRT had imposed penalty of compulsory retirement from services without conducting fair inquiry and without giving opportunity of producing his defence evidence vide order dated 26.08.2014. Thereafter, he had also submitted an appeal which was rejected by the Appellate Authority. It is pointed out that the Disciplinary Authority and Appellate Authority is the same who awarded the penalty. Thus, he was deprived from legitimate rights and harassed being a member of Scheduled Tribe community. He is still without job and without salary for last 17 months. In addition, the Hon'ble Commission's recommendations dated 14.11.2018 for his reinstatement in services and payment of due salary was not implemented by the concerned authorities in Ministry of Culture. He requested for early redressal of his grievances.

2. Earlier the said case was taken up with the Ministry of Culture and subsequently a sitting was held on 14.11.2018 under the Chairmanship of Hon'ble Chairperson, NCST. The Commission had recommended that:

- (i) The Ministry of Culture should form a Special Inquiry Committee with one ST member to conduct a fresh inquiry against S. Baa and settle the matter sympathetically. There should be officials from CCRT also in the Special Committee.
- (ii) The petitioner will submit all relevant documents and his defence evidence before the Committee to decide the matter.
- (iii) The Secretary, Ministry of Culture will ensure that no injustice should be meted out against the petitioner on caste ground while deciding of the matter.

- (iv) The Special Committee should also examine the suspension matter of the petitioner and ensure that suspension period and 'Dies-non' period is regularized.
- (v) Ministry of Culture should ensure that the recommendations made by the Commission after its Sitting held on 18.05.2009 should be implemented fully.
- (vi) The CCRT and Ministry of Culture should ensure that the entire inquiry process should be completed within 45 days period and an action taken report should be submitted before the Commission.

3. In pursuance of the Commission's recommendations communicated on 06.12.2018, the Ministry of Culture vide its letter dated 12.04.2019 informed about action taken in the matter that as per the directions of the Hon'ble Commission, the Ministry had constituted a Special Inquiry Committee for conducting an inquiry against Shri S. Baa. The Special Inquiry Committee has also submitted its report to the Ministry. But, in the meanwhile the CCRT have informed that they have sought legal opinion in the matter from the Legal Advisor who, inturn opined that the direction issued by the Hon'ble Commission does not come under its jurisdiction and also opined to file a writ petition in the Hon'ble Delhi High Court.

In view of the CCRT's Legal opinion, the Ministry put up the case before the Hon'ble Minister for Culture, who has now directed to see Legal opinion from the Department of Legal Affairs, Ministry of Law and Justice.

4. As the Ministry's report was found to be unsatisfactory and there was intention to delay in deciding the petitioner's grievances on the basis of the Commission's recommendations and therefore, the Hon'ble Chairperson, NCST has fixed a sitting on 10.06.2019 in the Commission to have a discussion with the Secretary, Ministry of Culture.

5. As per schedule, the sitting was held on 10.06.2019. The Secretary, Ministry of Culture vide its letter dated 10.06.2019 has requested for exemption from appearance, which was taken into record and accepted. However, the Joint Secretary and Deputy Secretary from Ministry of Culture along with Director (Incharge), CCRT appeared in the sitting. The petitioner was also present.

6. At the outset, the petitioner has appraised to the Commission that his grievances of reinstatement into services with all consequential benefits according to the recommendations of the Commission dated 14.11.2018 have not been considered. He is suffering a lot and out of job without any financial help for last 5 years.

7. The Joint Secretary, Ministry of Culture informed the Commission that as per the Commission's recommendations, the Ministry had constituted an inquiry committee to look into the grievances of the petitioner. The inquiry was held and Inquiry Officer submitted a report. Thereafter the Ministry of Culture has forwarded the inquiry report to the CCRT for consideration and onward action taken on the findings of the inquiry committee.


The Director (Incharge), CCRT informed the Commission that the report of the Special Inquiry Committee in respect of Shri S. Baa is being placed before the Appellate Society of CCRT in terms of Service bye laws No. 53 i.e. Society, CCRT for consideration and appropriate decision.

8. The case was discussed in detail. The Commission observed that the Ministry of Culture has complied with the Commission's recommendations and completed an inquiry into the case. The findings of the inquiry report will be considered and implemented by the CCRT authorities.

9. In view of the above, the Commission recommends as follows:

- The CCRT authority will finalise and decide the matter in accordance with findings of the Special Inquiry Committee by the 2<sup>nd</sup> week of July, 2019 in positive manner and will take immediate action for restoration of petitioner's service with all due benefits.
- The case will be monitored by the Ministry of Culture and it will be ensured that no injustice be meted out against the ST petitioner on caste ground.
- An action taken report on the Commission's recommendations should be submitted to the Commission by 3<sup>rd</sup> week of July, 2019 positively.

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78.06.019

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. SB/1/2016/MCOM1/SEHRMT/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri A.K. Singh, Secretary
4. Dr. Lalit Latta, Director
5. Shri Y.K. Bansal, Research Officer
6. Shri H.R. Meena, Sr. Investigator

Officers of CCRT and Ministry of Culture

1. Smt. Nirupama Kotru, Joint Secretary, Ministry of Culture
2. Shri Mukesh Jha, Deputy Secretary, Ministry of Culture
3. Shri Rishi Kumar, Director (Incharge), CCRT
4. Shri S.S. Sethi, Consultant, CCRT

Petitioner

Shri S. Baa