



सत्यमेव जयते

भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

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

Dated: 19/07/2019

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: 01123392047,
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.

3. **The Joint Secretary, (Estt.)**
Department of Personnel & Training,
North Block, New Delhi-110001.
Tel: 23094010
Fax: 23092869

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 minutes of Sitting held in the National Commission for Scheduled Tribes on 15/07/2019 at 03:00 P.M. under the Chairmanship of Ms. Anusuiya Uikey, 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,

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640.

Copy to:

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

Copy for information to:

1. PS to Hon'ble Vice-Chairperson, NCST
- ✓ 2. NIC (please upload on the Commission's website)

Govt. of India

National commission for Scheduled Tribes

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

Minutes of sitting held in the commission on 15.07.2019 Under the chairmanship of Ms. Anusuiya Uikey, Hon'ble, Vice Chairperson, NCST in case of Sh. Hemant Kumar, R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi 110075 regarding discrimination of ST candidates under ST category posts in Delhi Transco Ltd.

List of Participant in annexed.

1. According to DoPT OM no. 36020/2/2007-Esstt (Res.) dt 07.12.2009 and DoPT OM no. 20011/1/2008- Esstt (D) dt. 11.11.2010. The case of shri. Hemant Kumar working in Delhi Transco Limited was heard by NCST bearing file No. HK/5/2017/STGDH/SEHRMT/RU-1 on Dates 03.05.2018, 20.08.2018, 15.01.2019, 08.04.2019 & 15.07.2019 in every sitting Secretary Power, GNCTD and CMD, DTL were instructed to appear in person, however till date concerned officials either taken exemption or willingly does not appear in the hearing.
2. However Special secretary power, Dy Director Power, GNCTD and GM(HR),DTL attended some of the hearings and the recommendation made by NCST to send recruitment files to DoP&T for scrutinize the case to provide their observation and decision.
3. Vide recommendation dt.27.05.2019 Secretary, Department of Power, GNCTD and CMD, DTL to rectify the seniority list as per DoP&T OM No. 20011/1/2008-Esstt(D) dt 11.11.2010 and submit the report in 10 days. Compliance report is submitted vide letter dt. 15.07.2019, wherein an order dt.28.06.2019 is attached according to which seniority of petitioner is provisionally re-assigned above the three subsequently selected candidates subject to the outcome of the legal opinion and subsequent approval of the competent authority in that regard.

Anusuiya
शुभा अणुसुइया उइके/Miss Anusuiya Uikey
उवाइका/Vice Chairperson
राज्यीय उअरुअरुअरु अरुअरु अरुअरु
National Commission for Scheduled Tribes

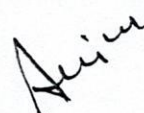
Vice chairperson shows displeasure to this vague and incomplete compliance and asked GNCTD and DTL representative as “why the recommendations of NCST are not complied till date and the matter is deliberately diverted for legal opinion and subsequent approval when no legal opinion is required if the seniority list is in compliance with DoP&T O.M. dt. 11.11.2010.”

4. Vice chairperson asked the officials of GNCTD and DTL that what consequential benefits are given to the petitioner as per revised seniority list. GNCTD and DTL officials defend their stand that petitioner is not entitled for consequential benefits. Vice chairperson asked the officials that, when the seniority list is revised since initial recruitment of candidates in year 2006, and the petitioner was not promoted according to his actual seniority, why all the consequential benefits are not given to the petitioner for his monetary and social loss due to false and incorrect seniority till date. Concern officials fails to reply the point raised by VC.

Recommendation:-

Secretary, Department of Power, GNCTD and CMD, DTL must comply the following recommendations and submit the compliance report to the commission within 10 days:-

1. The seniority list for the direct recruitment for year 2006 should be rectify in accordance with DoP&T O.M.dt 11.11.2010 and final list for the above said selection process of year 2006 should be issued immediately. No legal opinion is required for the said process. After issuance of final seniority list, DTL may send the concerned final seniority list of DR year 2006 to Establishment division, DoP&T for concurrence with intimation to NCST, files be send along with the all the recruitment files of Direct recruitment of AM(T) in year 2006.
2. All the consequential benefits of revised seniority list must be granted to the petitioner Sh. Hemant kumar since his recruitment year i.e. 2006. The benefits must be granted prior to the promotion of any of the mentioned 3 subsequently selected candidates after the original list of 28 candidates dt 04.09.2006.


शुश्री अनुसुईया उइके/Miss Anusuiya Ulikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसुचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/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 15.07.2019 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 Power, Govt. of NCT of Delhi

1. Shri R.S.Samaria, Dy. Director

III. Delhi Transco Limited, Govt. of NCT of Delhi

1. Shri Loveleen Singh, GM (HR)
2. Shri Vasu Dev, DGM (HR)
3. Shri Ram Kumar, Dy. Manager (HR) (A) Ms MEENU, AM(HR)

IV. Petitioner

Shri Hemant Kumar