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**Government of India
National Commission for Scheduled Tribes**

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

F. No. LM/11/2016/MRLY1/SEHRMT/RU-I

Date: 22/06/2016

To

The Chairman,
Ministry of Railways,
Rail Bhawan, Rafi Marg,
New Delhi.

Sub: Representation dated 02/05/2016 received from Dr. Lakshmi Meena, Senior Divisional Medical Officer, Divisional Hospital, Jaipur R/o B. No. - 11, Ganpati Nagar Railway Colony, Jaipur Rajasthan regarding caste abuse and mental harassment.

Sir,

I am directed to enclose a copy of the minutes of the Sitting held in the NCST on 15/06/2016 on the above mentioned subject for information and further necessary action. Action Taken Report may be submitted to the Commission as soon as possible.

Encl: As above

Yours faithfully,

(Pramod Chand)

Deputy Secretary to the Govt. of India

Copy to:

Dr. Lakshmi Meena,
Senior Divisional Medical Officer,
Divisional Hospital,
B. No. - 11, Ganpati Nagar
Railway Colony,
Jaipur Rajasthan.

Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. SSA NIC (for hosting on Commission's website).



सत्यमेव जयते

Govt. of India

National Commission for Scheduled Tribes

File No. LM/11/2016/MRLY1/SEHRMT/RU-I

Sub: Minutes of the Sitting in the case of Dr. Laxmi Meena, Senior Divisional Medical Officer, held under the Chairmanship of Hon'ble Chairperson in the National Commission for Scheduled Tribes.

1. A Sitting was held under the Chairmanship of Hon'ble Chairperson, National Commission for Scheduled Tribes, to discuss the points raised by Dr. Laxmi Meena in her representation in the Chamber of Hon'ble Chairperson, National Commission for Scheduled Tribes at 12:30 P.M. on 15/06/2016.
2. The list of participants is given at Annexure A.
3. Before raising her grievances, she showed here APAR's for last four years, all were excellent. She said that not a single complaint existed against her prior to present issue of Medical clearance certificate. Following grievances were submitted by her.
 - a) She discharged her duty and declared few persons medically unfit who were not found fit by her. After the medical certification she was pressurised by Shri A. K. Sanger Chief Medical Director to clear the medical examination of (i) Brijendar Kumar Berwa (ii) Shri Kamlesh Kumar (iii) Shri Maan Singh Meena and (iv) Shri Sushil Chaudhry. As she did not yield to pressure of Shri Sanger, she was debarred from medical Board without assigning any reasons.
 - b) She also complained that though promotion order in her favour was received on 09/05/2016 but undue delay was caused in issuing of the said order as the same was given to her on 23/05/2016.
 - c) She felt pained that no action was taken on her complaint dated 16/04/2016.
 - d) She was humiliated by the Chief Medical Director amidst meeting of staff and un-parliamentary language was used, as is narrated in her complaint dated 02/05/2016.

Rameshwar Oraon

डा. रामेश्वर उराव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


4. Findings / observations and recommendations of the Commission on the grievances are as under.

- (i) On the charge of Dr. Laxmi Meena regarding pressurizing her to clear the Medical Examination Test of the above mentioned four Loco drivers, DG RHS informed that the inquiry committee constituted to look into this aspect did not find any merit in this allegation of Dr. Laxmi. The inquiry committee checked the position and found that there was no pressure from anyone on Dr. Laxmi to clear the names of above mentioned Loco Drivers. Dr. Laxmi, however, brought the fact to the notice of Hon'ble Chairperson that the findings of the inquiry committee should not be relied upon as the inquiry committee did not consider it appropriate to take on record her statement which is vital to reach to the truth. Agreeing to this, Hon'ble Chairperson advised DG RHS to conduct a fresh inquiry in such a manner where statement of the petitioner is also taken on record. DG RHS agreed to it.
- (ii) Hon'ble Chairperson asked DG RHS to give reasons for debarring Dr. Laxmi Meena from conducting Medical Examination. On this point Dr. Anil Kumar, DG, Railway Health Services stated that it was not only Dr. Laxmi Meena who was debarred from conducting Medical Examination but thereafter four other Doctors were debarred from conducting Medical Examination. Thus, Dr. Laxmi was not singled out in this case. Moreover, it was later found that some of the candidates who were declared unfit by Dr. Laxmi Meena were later on declared fit by the Higher Medical Board. This also hints that pressure was put and when these Doctors did not yield they were removed. Hon'ble Chairperson also pointed out that the Authority who authorized any Doctor to undertake the task of Medical Examination had the authority to stop him/her from doing this work. It is a matter of Administrative convenience. He, however, expressed his concern over the manner in which Doctors are debarred from conducting Medical Examination. He therefore advised DG RHS that instead of issuing the orders for debarring a Doctor from conducting Medical Examination, Ministry of Railways may consider issuing orders regarding constitution of a committee of Doctors for conducting Medical Examinations. Whenever the Ministry finds it appropriate, they may revoke the earlier orders and may constitute a fresh committee with new names for the purpose.



डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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- (iii) Dr. Laxmi Meena also alleged that her immediate superior officer gave the promotion order dated 09/05/2016 to her very late and that is on 23/05/2016, i.e. after a gap of 13 days. On this DG RHS submitted that once the promotion orders are issued it has to pass through certain office procedure before it is shown to the candidate, hence the gap. The Commission, however, was not convinced with the argument of DG RHS. 13 days gap is big time period for handing over the promotion order. Ministry of Railways may therefore, think of bring it down to 3-4 days in future. Such un due delay in handing out the promotion orders leads to avoidable mental stress.
- (iv) Dr. Laxmi Meena further raised the point that the Ministry did not act upon her complaint dated 16/04/2016. DG RHS clarified the position by stating that as soon as they got the complaint, the Ministry referred the matter to the General Manager, North-Western Railway, Jaipur for taking further necessary action in the matter. Accordingly, the GM, North-Western Railway got the matter inquired into by Additional General Manager, North-Western Railway who submitted the report to the Ministry on 14/06/2016. Commission accepted the plea of DG RHS. However, it is advised that the period be shortened.
- (v) Dr. Laxmi Meena stated that She was insulted by her Superior Officer in the Official Meeting on the name of her caste. DG RHS is therefore advised to investigate the matter and submit his report within 10 days to the Railway Board. If the allegation is found to be true, petitioner will be free to file FIR with the Superintendent of Police concerned under SC & ST (PoA) Act, 1989.
- (vi) After hearing both the parties, the Hon'ble Chairperson, NCST, inter-alia, advised DG RHS to take appropriate action as suggested above and to conduct a fresh inquiry in the case and submit the final report to the Commission.
- (vii) It seems that Dr. Sanger exhibited insensitivity and has hurt the feelings of Dr. Laxmi Mecna who not only belongs to ST community but is a lady also. He should be advised to take due precautions in future.
5. The Sitting ended with vote of thanks to the Chair.


(Dr. Rameshwar Oraon)
Chairperson
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON
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List of Participants

<u>S. No.</u>	<u>Name and Designation</u>
I	National Commission for Scheduled Tribes
1	Shri Rameshwar Oraon, Hon'ble Chairperson
2	Shri Pramod Chand, Deputy Secretary
3	Shri H.R. Meena, Senior Investigator
II	Ministry of Railways
1	Dr. Anil Kumar DG RHS, Railway Board
III	Petitioner
1	Dr. Laxmi Meena