



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. GBN/1/2018/STGTL/SEOTH/RU-IV

Dated: 26.07.2019

To,

1. **The Principal Secretary,**
Roads and Buildings,
Government of Telangana,
5th Floor, Erram Manzil,
Hyderabad, Telangana 500082
2. **The Engineer-in-Chief,**
(Administration & QC),
Roads and Buildings,
Government of Telangana,
Erram Manzil, Punjagutta,
Hyderabad, Telangana – 500 082.

Sub: Proceedings of sitting held on 03.06.2019 chaired by Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) in the case of Shri G. Bheema Naik, General Secretary, ST Employees and Officers Welfare Association, Vasnasthalipuram, Hyderabad regarding re-fixation of seniority in respect of Shri Jadhav Ram Kumar, Dy. Executive Engineer (R&B) Department, Govt. of Telangana, Hyderabad as per the G.O.Ms. No. 103, T/R&B Department dated 22.05.1996.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 03.06.2019 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 Vice-Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
26/7/19
Research Officer
Ph. No. 24645826

Encl: As above

Copy to:

Shri G. Bhemma Naik,
State General Secretary,
ST Emp. and Officers Wel. Association,
Central Committee, H. No. 4-12-482,
Dwarakamai Nagar,
Vanasthalipuram, Hyderabad – 70
(Andhra Pradesh).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. GBN/1/2018/STGTL/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 03.06.2019 CHAIRED BY MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI G. BHEEMA NAIK, GENERAL SECRETARY, ST EMPLOYEES AND OFFICERS WELFARE ASSOCIATION, VANASTHALIPURAM, HYDERABAD REGARDING RE-FIXATION OF SENIORITY IN RESPECT OF SHRI JADHAV RAMKUMAR, DY. EXECUTIVE ENGINEER (R&B) DEPARTMENT, GOVT. OF TELANGANA, HYDERABAD AS PER THE G.O.MS. NO. 103, T/R&B DEPARTMENT, DATED 22.05.1996.

Date of Sitting: 03.06.2019


List of officers present in sitting is Annexed.

Shri G. Bheema Naik, General Secretary, ST Employees and Officers Welfare Association, Vanasthalipuram, Hyderabad regarding re-fixation of seniority in respect of Shri Jadhav Ramkumar, Dy. Executive Engineer (R&B) Department, Govt. of Telangana, Hyderabad as per the G.O.Ms. No. 103, T/R&B Department, dated 22.05.1996.

The petitioner has submitted the following grievances:

Shri Jadhav Ramkumar was appointed as Assistant Executive Engineer through AP Public Service Commission during year 1993 and allotted to Zone-1 under non-local quota. Subsequently, he was transferred on permanent basis to Zone VII (City Zone) in the year 2000 vide GO Rt. No. 401,t,R&B (S-III) Department dated 22.05.2000 with a condition that "he shall taken last rank below the last regular candidate in the new unit by foregoing the seniority in the present unit". According to the condition laid down above, his seniority was fixed below the name of Shri G. Vasanth Naik, at Sl. No. 34 who was the last regular candidate in the Zone-VII (city zone). After approval by the Government, the Engineer-in-Chief (Administration) has communicated the seniority list vide circular memo No. 18693/Ser.V(I)/Zone.VII/95 dated 18.10.2007 has communicated another draft seniority list of Assistant Executive Engineer, R&B of Zone, VII, where in his name was found/shown at Sl. No. 39 i.e. below the name of Shri B. Srinivas Singh and placed the following candidates enblock senior to him without giving any notice Shri K.S. Ganesh Prasad, Shri P. Sashidhar, Shri B. Mohan, Shri M. Purushotham and Sri B. Srinivas Singh which is not correct and violation of principle of natural justice and fundamental rights and also G.O.Ms. No. 103, T/R&B Deptt. dated 22.05.1996 and Rt. No. 401, T, R&B(S-III) Dept., dated 22.05.2000.

2. The NCST vide its letter dated 07.02.2018 to the Principal Secretary, Roads and Building, Govt. of Telangana, Hyderabad and the Engineer-in-Chief (Administration & QC), Roads and Buildings, Govt. of Telangana, Hyderabad for facts.


Miss Anusuiya UIkey

NATIONAL COMMISSION FOR SCHEDULED TRIBES
National Commission for Scheduled Tribes
New Delhi

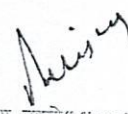
3. The Roads and Building vide letter dated 07.04.2018 informed that the Engineer-in-Chief (R&B), Hyderabad has issued Circular Memo No. 18693/Ser.IV(3)/95, dated 21.06.2003 on zonal wise provisional seniority list of AEEs (R&B) covered by General and Limited Recruitment up to the allotments made in 1993. Wherein the name of the AEE was shown under City Cadre (City of Hyderabad) at Sl. No. 34 after the name of Sri G. Vasanth Naik, the last regular candidate recruited in the 22.05.2000 in City Cadre. In the remarks column against the name of the AEE(R&B) it was clearly mentioned the fact that he was transferred from Zone-1 to Zone-VII (City Cadre) in the year 2000 vide G.O.Rt.No.401, T,R&B (Ser.III) Dept. dated 22.05.2000.

Subsequently, the Govt. vide G.O.Rt.No 284 T,R&B (Ser.III.2) Department dated 20.03.2007 have provisionally decided to assign notional seniority to Sri B. Mohan, Sri M. Purushotham on par with their Junior Shri B. Srinivas Singh duly relaxing Rule 33(a) of the A.P. State and Subordinate Service Rules, 1996 considering 1/3rd service. The Govt. vide G.O.Ms. No. 259, T R&B (Ser.II) Dept., dated 14.09.2007 have confirmed the provisional orders issued in the G.O.Rt.No. 284 T,R&B (Ser.III,2) Department dated 20.03.2007 and directed to assign Notional Seniority of the individuals in the cadre of AEE, in relaxation of Rule 33 (a) of APS&SS Rules.

Thus, the services of Sri B. Mohan, AEE and Sri M. Purushotham AEE(R&B) were regularized on par with their junior Sri B. Sreenivas Singh AEE (R&B) with effect from 24.07.1998 as per Govt. orders. Sri J. Ram Kumar has filed OA No. 6921/2007 and the Govt. vide its memo dated 31.02.2008 have requested this office to examine this office to examine the matter as per rules and issue appropriate speaking orders in OA 6921/2007 dated 16.04.2010. Accordingly, speaking orders dated 25.03.2013 were issued to Sri J. Ram Kumar the then AEE (R&B) duly informing him that his request for review of his seniority in the cadre of AEE (R&B) of City Cadre is not tenable for acceptance as there are no valid ground.

4. The Chief Engineer (R&B) Admin & QC, Roads and Building Department, Government of Telangana, Hyderabad appeared before the Commission on 03.06.2019. The Representationist Shri G. Beema Naik was also present in the day of sitting.

5. The matter discussed in detail. During the discussion, Hon'ble Vice-Chairperson asked to the Chief Engineer (R&B) Admin & QC to explain the position of the case. The Chief Engineer submitted a letter dated 27.05.2019 of Road and Building Department and informed to the Commission that he forwarded the proposal for rectification of seniority in O/o J. Ramkumar, Dy. Executive Engineer to the Government vide letter No. 3398/Ser.III (4)/2015 dated 18.02.2019, 09.04.2019 and 29.05.2019. The Chief Engineer has further informed the Commission that the issue of re-fixation seniority is pending at Government level for which the Principal Secretary, T& RB Department, Government of Telangana has requested Commission for allowing 6 weeks time to resolve the issue. Further the CE(R&B) Admin & QC recommended to the Government for consideration of incharge as Executive Engineer on par with his junior Shri B. Mohan.


शुभा अक्षयश्या लखनो/ Miss Anushya Lakhano
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

6. After discussion, the Commission observed that Road and Building Department, Government of Telangana has not kept positive attitude for disposal of the cases of Scheduled Tribes employees. It is intimated that special safeguards provided to the Scheduled Tribes under Constitutional provisions, therefore Commission recommends in the matter as follow:

- Grievances of Shri Jadhav Ramkumar, Deputy Executive Engineer for refixation of seniority should be redressed within two weeks.
- No harassment/discrimination with Scheduled Tribes employees in Road & Building Department, Govt. of Telangana should not be harassed in future.
- An action taken report on the Commission's recommendations should be submitted to the NCST within 15 days from the receipt of this proceedings.

Anusuiya
शुश्री अनुसुइया उइके/Miss Anusuiya Uikrey
उवाअअअ/Mice Chairperson
राष्ट्रीय अनुसुथित जनजाति आक्षेप
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. GBN/1/2018/STGTL/SEOTH/RU-IV

List of participants

NCST

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri A.K. Singh, Secretary
3. Shri Vikas Sharma, Legal Consultant
4. Shri Gaurav Kumar, PS to Hon'ble Vice Chairperson

Officers of Government of Telangana

The Chief Engineer (R&B) Admin & QC, Roads and Building Department,
Government of Telangana, Hyderabad

Petitioner

Shri G. Bheema Naik