



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)

File No. BLM/1/2018/MPNT3/SEPPROM/RU-IV

Dated: 13.08.2019

To,

The Secretary,
Department of Posts,
Ministry of Communication & IT
PA Wing, Dak Bhawan,
New Delhi – 110 001.

Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 16.07.2019 in the matter of Shri Babu Lal Meena, Sorting Assistant, Airmail Sorting Division, New Delhi and representation of Shri Indraraj Meena, Sorting Assistant RO, RMS JP Div. Delhi regarding deprivation of promotion to the post of Cadre of Assistant Accounts officer of IP&TAFS Group B cadre for the year 2018-19.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 16.07.2019 under the Chairmanship of Dr. 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 within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

(Signature)
(Y.K. Bansal)
Research Officer

Encl: As above

Copy to:-

1. Shri Babu Lal Meena,
D-70, P&T Quarters,
Moti Bagh – 1,
New Delhi.
2. Shri Indraraj Meena,
Sorting Assistant,
RO RMS JP DIV Delhi,
New Delhi – 110 006.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. BLM/1/2018/MPNT3/SEPROM/RU-IV

PROCEEDINGS OF SITTING HELD ON 16-07-2019 CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF REPRESENTATIONS OF SHRI BABU LAL MEENA, SORTING ASSISTANT, AIRMAIL SORTING DIVISION, NEW DELHI AND SHRI INDRARAJ MEENA, SORTING ASSISTANT RO, RMS JP DIV. DELHI AND OTHERS REGARDING DEPRIVATION OF PROMOTION TO THE POST OF CADRE OF ASSISTANT ACCOUNTS OFFICER OF IP & TAFS GROUP B CADRE FOR THE YEAR 2018-19.

Date of Sitting : 16-07-2019

List of Participants present in the sitting is annexed.

The petitioners Shri Babu Lal Meena, Sorting Assistant, Airmail Sorting Division, New Delhi and Shri Indraraj Meena, Sorting Assistant RO, RMS JP DIV. Delhi vide their representations had represented before the Commission regarding deprivation of promotion to the post of cadre of Assistant Accounts Officer of IP & TAFS group B cadre for the year 2018-19.

They alleged that the Department of Posts, Ministry of Communication & IT vide its notification dated 19.04.2018 has notified 151 vacancies for Scheduled Castes and 82 vacancies for Scheduled Tribes for Limited Departmental Competitive Examination for recruitment to the cadre of Assistant Accounts Officer of IP & TAFS Group B Cadre for the year 2018-19. As per notification dated 19.04.2018, they appeared in above referred examination which was held w.e.f. 05.07.2018 to 08.07.2018. But, against these vacancies, only 130 vacancies for Scheduled Castes and 46 vacancies for Scheduled Tribes were filled up. Thus, 21 SC vacancies and 36 ST vacancies (total 57 vacancies) remained unfilled due to non-availability of qualified SC/ST candidates in all 06 papers as per minimum qualification standards of these examination. On other hand, all notified unreserved vacancies were filled up. There are instructions/guidelines from the DoPT that if SC/ST vacancies are remained unfilled, then these vacancies can be filled up by granting grace marks to the SC/ST candidates. In their cases the Department of Posts did not follow the Govt. of India's instructions and no grace marks were provided. Therefore, they could not get promotion. Here it is to mentioned that the Department of Posts in the Special Limited Departmental Competitive Examination – 2012 (SLDCE) held for promotion to the cadre of AAO granted grace marks to general candidates who failed in said SLDCE. The Department of Posts has also taken a decision that those candidates who got promotion by grace marks would be placed en-block junior to the candidates already declared successful vide office order No. 3-24/10-PACE/Exam(DE)/849-973 dated 04.06.2013. In addition, the Department of Posts has issued office order No. 3-30/2015-PACE/Exam(DE)/6099-6153 dated 23.02.2017 whereby the relaxation was granted to the members of the general category in the examination which was held in the year 2017. In the case of STs, they are also entitled for reservation and promotion and separate relaxed standard for the reserved category and similar relaxation after the result was granted in the examination held in the year 2017.


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

The petitioners further alleged that they have participated in the Departmental examination and cleared five papers out of six papers. The Department of Posts has also granted grace marks to the candidates appeared in Departmental examination -2012 and on these lines the Department of Posts should provide grace marks to remaining SC/ST candidates against 57 vacancies to fill all those vacancies reserved for STs which remained unfilled by grant of relaxation in minimum standards prescribed for this examination. In this regard, relevant rules/provisions for grant of relaxation in minimum qualifying standards to ST category issued from time to time be followed. The petitioner should also be declared pass and promoted.

2. The NCST vide its letter dated 12.12.2018 has sought a report in the case from the Secretary, Ministry of Communication & IT, New Delhi. The Ministry of Communication, Department of Posts, New Delhi vide its letter dated 29.05.2019 has submitted a report stating that Shri Indraraj Meena and Shri Babu Lal Meena had appeared in the Limited Departmental Competitive Examination (LDCE) – 2018 for Assistant Account Officer (AAOs). The ibid reference has been examined with the extant rules/Gol instruction on the subject with the following observation.

- (i) The Group B (Gazetted) cadres of Accounts and Finance of Department of Posts (DoP) and Department of Telecom (DoT) consisting of Assistant Accounts Office, Accounts Officer and Sr. Accounts Officer were amalgamated w.e.f. 1st September, 2009, with the nomenclature of IP&TAFS Group B cadre.
- (ii) The RRs of the ibid cadre were notified vide Gazette Notification dated 02.04.2018 and subsequently the LDCE-2018 examination Notification, based on the ibid RRs, were issued vide notification dated 19.04.2018 for filling up the vacant posts of AAO in DoT/DoP. As per schedule of Recruitment Rules of AAO-2018, which is statutory, the mode of promotion, as prescribed in Column 10 is "By promotion failing which by deputation failing both by direct recruitment". Further, column 11 of the ibid schedule described promotion as "Departmental candidates who have passed the Subordinate Accounts service Examination or equivalent examination conducted by Department of Posts and telecommunications or Competent Authority specified by the Department"
- (iii) It may also be not out of context to mention here that the declaration/promotion order issued in respect of LDCE-2018 is subject to various court cases pending in various court's Pan India.
- (iv) The backlog vacancies as arisen in the LDCE-2018 due to non-availability of qualified candidates amongst the reserved category candidates who could not qualify/made to the merit list under the relaxed standard can be addressed in the subsequent examination in accordance with the extant rules/DoPT instructions on the subject i.e. by adding the backlog vacancies in subsequent examination.
- (v) In the present scenario the RRs of AAO have already been notified vide notification dated 02.04.2018 and the LDCE-2018 conducted and as on date the cadre strength is nearly 90% (i.e. around 1088). Therefore, a decision for grant of grace marks to SC/ST against the unfilled vacancies LDCE-2018 is not warranted in view all the circumstances enumerated in the preceding paras.


3. As the Department of Post's report was found to be unsatisfactory and therefore a sitting was fixed on 16.07.2019 in the Commission. In sitting, the DDG (B&A), DDG (F&PAA) and ADG (IA) (on behalf of Secretary, Posts appeared along with exemption request of Secretary, Department of Posts. The petitioners were also present.


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

4. The case was discussed in detail. The Commission observed that the Department of Posts had notified 82 ST vacancies under Limited Departmental Competitive Examination 2018 for recruitment to the cadre of Assistant Accounts Officer of IP&TAFS, Group-B cadre for the vacancy year 2018 and out of which 36 ST vacancies remained unfilled for want of non-availability of qualified ST candidates as per minimum qualification standards for this examination. The petitioners had appeared in the said examination. But they could not get requisite marks in one paper out of six papers and thus could not be selected/promoted. If the Department of Posts granted grace marks in one paper, they could have been got promoted. The Commission noticed that the Department of Posts have granted grace marks/relaxation to the all failed candidates including general candidates in the Limited Departmental Competitive Examination – 2012 vide order dated 23.02.2017. However, in the instant case, similar relaxation was not given to the ST candidates despite having 36 unfilled ST vacancies. Moreover, the DoPT vide its OM No. 36012/23/96-Estt.(Res)-Vol.II dated 03.10.2000 issued instructions that the relaxations/concessions will be available in the matter of promotions for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation.

5. In the light of the above observations, the Commission recommends that:

- The Department of Posts may review the LDCE - 2018 of unqualified ST candidates keeping in view of grace marks provided to the candidates of Limited Departmental Competitive Examination – 2012 vide order dated 23.02.2017 and DoPT O.M. dated 03.10.2000 and may consider to grant promotion against unfilled 36 ST vacancies in one time measure and as an special case.
- The Department of Posts will re-evaluate of examination's answer sheet of failed ST candidates appeared in the said examination and will take corrective steps, if any.
- The Department of Posts will ensure that no injustice should be meted out on caste ground.
- An action taken report on the recommendation of the NCST should be submitted to the Commission within 30 days from the receipt of the proceedings.


08.08.19
श्री. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BLM/1/2018/MPNT3/SEPROM/RU-IV)

List of participants

NCST

1. Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri S.K. Ratho, Joint Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R. Meena, Sr. Investigator

Officers of Ministry of Communication, Department of Posts

1. Shri Rajnish Kumar Jenaw, DDG (B&A)
2. Shri Rajeev Kumar, DDG (F&PAA)
3. Shri C.S. Guleria, ADG (IA)

Petitioner

Shri B. T. Naik