

Speed Post



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

File No. SKD/6/2018/STGOR/DEOTH/RU-III

Date: 03.10.2019

To,

The Additional Chief Secretary,
Home Department, Govt. of Odisha,
Secretariat, Bhubaneswar

Sub: Proceeding of sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes, (NCST) on. 04.09.2019 in the matter of Representation dated 22.05.2018 of Shri Sukanta Kumar Das, General Secretary, Odisha SC&ST Tribe Employees Welfare Co-Ordination Council, Secretariat Branch, Bhubaneswar, Odisha regarding Fixation of seniority in Asstt. Section Officer gradation list of 2015 in the Home Department of Odisha Secretariat.

Sir,

I am directed to enclose herewith a copy of Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 04.09.2019 for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within 15 days.

Encl: As above

Yours faithfully,

(R.K. Dubey)
Assistant Director

Copy to:

1. Shri Sukant Kumar Das, General Secretary,
Odisha SC&ST Tribe Employees Welfare Co-Ordination Council,
Secretariat Branch, Bhubaneswar, Odisha
2. PS to Hon'ble Vice Chairperson, NCST
3. SAS, NIC, NCST upload on the web site.

Government of India


NATIONAL COMMISSION FOR SCHEDULED TRIBES

(SKD/6/2018/STGOR/DEOTH/RU-III)

PROCEEDING OF SITTING TAKEN BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST ON 04/09/2019 IN THE CASE OF SHRI SUKANT KUMAR DAS, GENERAL SECRETARY, ODISHA SC & ST EMPLOYEES WELFARE CO-ORDINATION COUNCIL, SECRETARIAT BRANCH, BHUBANESWAR, ODISHA REGARDING FIXATION OF SENIORITY IN ASST. SECTION OFFICER GRADATION LIST OF YEAR 2015 IN THE HOME DEPARTMENT OF ODISHA SECRETARIAT.

Date of sitting : 04/09/2019
List of officers present in sitting : Annexure

1. The National Commission for Scheduled Tribes received a representation dated 22/05/2018 from Shri Sukant Kumar Das, General Secretary Odisha SC& ST Employees Welfare Co-ordination Council regarding fixation of seniority in Asst. Section Officer gradation list of year 2015 in the home department of Odisha Secretariat. The Commission took cognizance of the complaint and information was sought on 23.08.2018 from Respondents by sending notice.
2. In the case, a sitting was taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST on 12/02/2019. Recommendations of the Commission of that sitting are given below:-
The state government should separate all the appointed candidates from the vacancies of the years 1991-92 and 1996 and establish seniority of 64 candidates of ST category above the General and other category employees of the year 1996.
3. In the case, a letter has been received from home department, Govt. of Odisha. It is stated that in the present case, against the previous recruitment i.e pertaining to the year 1990 (advertisement 1991-92), OPSC had recommended 53 candidates against 52 vacancies of SC category & 80 candidates against the equal no. of posts of ST category and appointment orders had been issued to all of them. Since, the OPSC had recommended


श्री. 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

adequate number of SC/ST candidates against the requisitioned number of posts; the criterion to qualify for backlog vacancies i.e. non availability of suitable candidates in the previous recruitment attempt has not been fulfilled. Thus, the so called backlog reserved vacancies of 1991-92 i.e. 100 vacancies that were put to recruitment along with 200 vacancies of 1996 cannot be treated as backlog vacancies.

4. As per the directions of the Hon'ble Chairman the sitting was convened on 04.09.2019 at 12.30 PM. In this regard, the sitting notice dated 29.08.2019 was sent to the Additional Chief Secretary, Home Department, Govt. of Odisha.
5. During the sitting, the Commission first wanted to know the position of petitioner, who submitted that OPSC has merged 100 backlog vacancies along with 200 post of general recruitment. Home deptt. has given consent to OPSC for merging these vacancies and then common merit list was published by OPSC. If the separate exam was conducted by the OPSC, then the applicants would have been senior. But due to conducting combined exam they lost the seniority. As per Rule-18(2) of Odisha Ministerial Service (Method of Recruitments and Conditions of Service of Junior Assistants in the Department of Secretariat) Rules, 1951- The relative Seniority of each candidates who come out successful in Special Recruitment shall be determined with reference to his position in the said competitive examination and such candidates shall take rank just below the candidates of the preceding General Recruitment Examination.
6. The representative of Odisha govt. present that the vacancies of backlog of year 1991-92 were already fulfilled and 80 posts of ST category were fulfilled.
7. The Commission said that 100 seats of backlog vacancy and 200 seats of general category vacancy were clubbed then 67 seats should be of ST candidate.
8. The representative officer of Odisha Govt. said that total number of ST candidates of that selection list were 109. The advertisement notice did not specified backlog vacancy. Vacancies of 1996 cannot be treated as backlog.
9. The Commission observed that no vacancy of backlog posts was separately mentioned in the advertisement notice but number of vacancies was shown 109. Which shows that backlog vacancies were added in the posts reserved



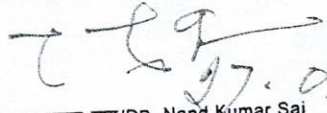
डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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for ST category otherwise it would have been 67 keeping in view 22.5% reservation applicable in the State.

10. The Commission, after listening to both the sides made the following recommendations :-

- State Govt. should constitute a committee comprising of Secretary, GAD, Govt. of Odisha, Secretary, ST/SC welfare department and Secretary, OPSC to examine the matter particularly, year wise vacancies included backlog of ST, clubbing of vacancies of different years together. Its adverse effect on Seniority of ST candidate and other related issues and to submit a detailed action taken report in the matter within a month time.
- Thereafter these authorities may be called for next sitting in the Commission along with petitioners.

In compliance with the above recommendation, the Commission should be sent action taken report within fifteen days of receipt of the proceedings.


97.09.019
डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

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|-------------------------|---------------------|----------|
| 1. Shri Nand Kumar Sai, | Hon'ble Chairperson | IN CHAIR |
| 2. Shri H. K Damor, | Hon'ble Member | |
| 3. Shri A. K. Singh, | Secretary | |
| 4. Shri S. K. Ratho, | Joint Secretary | |
| 5. Dr. Lalit latta, | Director | |
| 6. Shri R. K. Dubey, | Asst. Director | |
| 7. Shri A. K. Dwivedi, | Consultant | |

Officer of the Department of Home, Govt. of Odisha

- | | |
|---------------------------|-----------------|
| 1. Santosh Kumar Pradhan, | Joint Secretary |
| 2. K. Rabi Kumar, | Section Officer |

Petitioner

1. Shri Sukanta Kumar Das