



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. PM/1/2019/MSTR3/SEOTH/RU-IV

Dated: 20.11.2019

To,

The Chairman,
Visakhapatnam Port Trust,
Port Area, Visakhapatnam,
Andhra Pradesh 530035.

Sub: Representation dated 08.04.2019 received from Smt. P. Mothi, W/o late P. Linganna, Kalisapuram, Visakhapatnam regarding compassionate appointment in Port Trust, Visakhapatnam.

Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of the Proceedings of the Sitting held on 14.11.2019 before the Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on the aforesaid matter for necessary action.

It is therefore, requested to send an action taken report on the Commission's recommendations to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer
Ph. No. 24645826

(Encl. As above)
Copy to:

Smt. P. Mothi,
W/o late P. Linganna,
D. No. 40-1-24/22,
New Velanga Matha Church,
Madhusudhan Nagar,
Kalisapuram, Visakhapatnam
(Andhra Pradesh)

Copy for uploading at website of NCST
NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No.PM/1/2019/MSTR3/SEOTH/RU-IV


PROCEEDINGS OF SITTING HELD ON 14.11.2019 AT 12.30 P.M. CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SMT. P. MOTHI, W/O LATE P. LINGANNA, KALISAPURAM, VISAKHAPATNAM REGARDING HARASSMENT.

List of officers present in sitting is Annexed.
Date of Sitting – 14.11.2019

1. The petitioner Smt. P. Mothi, Visakhapatnam vide his representation dated 08.04.2019 has submitted the grievances regarding compassionate appointment in Visakhapatnam Port Trust. She alleged that her husband died in an accident while returning home from night .shift duty. She gave a representation to the Chairman, Port Trust, Visakhapatnam. But her representation is not yet considered.
2. As per procedure, the representation is to be referred to the Chairman, Visakhapatnam Port Trust vide Commission's notice dated 26.04.2019 for a report.
3. A report dated 18.10.2019 received from the Visakhapatnam Port Trust revealed that as per charge sheet filed by the Police Officials in the competent court against the person who is responsible for the said accident, the accident occurred at 6.00 a.m. on 11.06.2014 and he along with one Shri K. Ramamurthy Naidu started from office at 5.45 a.m. on their motor cycles to go their residence. As per version of Shri K. Ramamurthy Naidu co-worker, he found dead body at 6.10 a.m. on 11.06.2014 in the charge sheet.

The petitioner's case for out of turn employment on compassionate grounds was rejected only on the ground that the death cannot be treated as the death while on duty as the same was not occurred/arose out of and in the course of employment. If the death is caused/occurred/arose out of and in the course of employment only, then the case has to be treated as death while on duty in which case the dependents are eligible for out of turn employment on compassionate ground subject to other conditions/rules and workmen's compensation. But, this is the case of death while in service and hence, the petitioner is not entitled for out of turn employment.

As per rules/guidelines/procedures in vogue employment on compassionate grounds were considered earlier to the dependents in the cases where the Government servant dies leaving the family in harness while on duty due to accident or died in service and retired on medical grounds as the case may be in the order priority subject to fulfilment of various rules/guidelines/procedures in vogue, availability of vacancies and suitability of candidates prescribed for the purpose. They have waited for such an employment till their turn comes in accordance with the order of priority as mentioned above. But, the petitioner has requested for out of turn employment treating her husband's death as while on duty due to accident. Since this is a case of death while in service only but not death while on duty, she may to wait for employment on compassionate grounds along with other similar cases of death while service as in earlier cases of similar nature till her turn comes


श्रीमती माया चिन्तामण इवनाते
Smt. Maya Chintamn Ivnate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

as such several similar cases are also now waiting for employment on compassionate grounds along with her case. Further, as per settled law with regard to injury arising out of and in the course of employment and the principle of notional theory of extension, the case of the petitioner would not come under the case as the case death while on duty.


4. Since, the Department's report was found to be unsatisfactory and therefore, the Hon'ble Member (MCI), NCST fixed a sitting on 14.11.2019 to have a discussion into the case in the Commission.

5. As per schedule, the sitting was held on 14.11.2019. In sitting the Chairman, VPT appeared. The petitioner was also present.

6. During the sitting, the petitioner raised the grievances of non-providing of compassionate appointment to her in place of her husband death during the service tenure. The Chairman, VPT informed the Commission that the VPT has a number of cases for seeking employment on compassionate grounds. The petitioner case is also one of the case which is under consideration. Her case will be decided according to Rule and availability of vacancies.

7. The case was discussed in detail. The Commission recommends that:

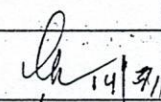
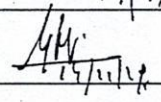
- The Chairman, Vishakhapatnam Port Trust will review the case of Smt P. Mothi for providing compassionate appointment in place of her husband Late Shri Linganna who expired during service tenure/ official duty on priority basis and also will take necessary action to provide appointment on compassionate ground to the petitioner as Special case, since the petitioner belonged to poor marginalized community and does not have any source of income.
- The Vishakhapatnam Port Trust Management will also consider the petitioner's case by following "Notional theory of extension" to provide compassionate appointment to the petitioner.
- An action taken report on the Commission's recommendations will be submitted within 30 days from the receipt of the proceedings by the FCI Management.


श्रीमती मया चिन्तार्ण ईवनाते
Smt. Maya Chintarn Inrate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Attendance Sheet
National Commission for Scheduled Tribes

Case File No. PM/1/2019/MSTR3/SEOTH/RU-IV

Sitting held on 14.11.2019 at 02.00 P.M. in the matter of Smt. P. Mothi, W/o late P. Linganna, Kalisapuram, Visakhapatnam regarding compassionate appointment in Port Trust, Visakhapatnam.

Sl. No.	Name and Designation	Address & Phone No.	Signature
I	National Commission for Scheduled Tribes		
1.	Shri Nand Kumar Sai, Hon'ble Chairperson	In Chair	
2.			
3.	Shri Harshadbhai Chunnilal Vasava, Hon'ble Member		
4.	Shri Hari Krishna Damor, Hon'ble Member		
5.	Smt. Maya Chintamn Ivate, Hon'ble Member		
6.	Shri A.K. Singh, Secretary		
7.	Shri K. Touthang, Joint Secretary		
8.	Dr. Lalit Latta Director		
9.	Shri Y.K. Bansal, Research Officer		
10.			
II	Chairman, Vishakhapatnam Port Trust, Visakhapatnam		
1.	K. RAMA MOHANA RAO Chairman VPT	0891 2873102	
2.	Krishna Bapi Raju. A. Dy. Chief Legal Officer VPT	9666680708	
III	Petitioner		
1.	పేదా 250 డి పేదా	8919151005	
2.			