



सत्यमेव जयते

भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

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

File No. HK/5/2017/STGDH/SEHRMT/RU-I

Date: 27/02/2020

To,

1. The Secretary,

Department of Power,
Govt. of NCT of Delhi,
8th Floor, B-wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002,
Tel: 01123392047,
Fax No. 011-23392023.

2. The Chairman,

Delhi Transco Ltd.,
Govt. of NCT Delhi,
Shakti Sadan, Kotla Marg,
New Delhi-110002,
Tel: 011-23231748
Fax No. 011-23234640.

Sub: Representation dated 14/12/2017 received from Shri Hemant Kumar, R/o Flat No. 247, Sanskriti Apartments, Sector-19-B, Dwarka, New Delhi-110075 regarding discrimination of ST candidate under ST category post in Delhi Transco Ltd.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 25.02.2020 at 01.00 P.M. under the Chairmanship of Dr.Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST within 15 days from receipt of the letter, for appraisal of Hon'ble Chairperson, NCST.

Yours faithfully,


(Dr. Lalit Latta) 27/2/20
Director

Copy to:

The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat,
IP Estate,
New Delhi-110002.

(w.r.t Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST's letter of even No. dated 27.09.2019 and 14.10.2019 in the matter).

Govt. of India

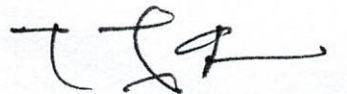
National commission for Scheduled Tribes

File No. HK/5/2017/STGDH/SEHRMT/RU-1

Minutes of sitting held in the commission on 25.02.2020 at 01.00 PM, Under the chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairman, NCST in case of Sh.Hemant Kumar, R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi 110075 regarding discrimination of ST candidates under ST category posts in Delhi Transco Ltd.

List of Participant in annexed.

1. According to DoPT OM no. 36020/2/2007-Esstt (Res.) dt 07.12.2009, DoPT OM no. 20011/1/2008- Esstt (D) dt. 11.11.2010. and DoPT OM No. 28011/6/76-Esst.(D) dated 24th June, 1978, the case of shri.Hemant Kumar working in Delhi Transco Limited was heard by NCST bearing file No. HK/5/2017/STGDH/SEHRMT/RU-1 on Dates 03.05.2018, 20.08.2018, 15.01.2019, 08.04.2019, 15.07.2019, 14.10.2019 and 17.02.2020. Secretary Power, GNCTD and CMD, DTL send request for exemption from sitting vide letter F.11/177/2018/Power/845 dated 25.02.2020
2. However Special Secretary, Department of Power, GNCTD who is also Director(HR),DTL along with GM(HR),DTL and Dy. Manager (HR) attended the hearing.
3. In minutes of meeting dated 17.02.2020, NCST made following recommendations:-
 1. In view of comments from DOPT, instruction issued vide DOPT OM No. 28011/6/76-Esst (D) dated 24th June, 1978 and DOPT OM No. 20011/1/2008-Esstt(D) dated 11.11.2010 it is clear that the additional three candidates were recruited through subsequent selection and as per DTL's additional requirement moreover the additional 3 requirement was neither approved nor appraised to CMD, DTL. Hence DTL should place the additional 3 candidates below the original 28 candidates in seniority list. In view of above, DTL should finalize the seniority list dated 28.06.2019 and publish immediately.
 2. DTL fails to maintain the Reservation Roster register as per DOPT guidelines, also the register submitted at NCST are not verified by Liaison officer and Appointing authority, therefore DTL must take


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

corrective action in accordance with DOPT guidelines and submit the certified copy of correct Reservation Roster Register.

3. DTL illegally De-reserve 3 no ST vacancies during the recruitment year 2006. In this regard NCST recommends that total number of De-reserved vacancies must be identified and process for recruitment against these vacancies must be initiate at earliest
4. NCST, recommended that Secretary Power, GNCTD should submit the compliance report within 7 days.

5. During the sitting following is observed :-

i. DTL submitted their Action taken report vide letter no. F.DTL/101/2020/HR-DM(HR)II/191 dated 25.02.2020 stating as follows:-


1. *The provisional seniority list circulated vide office order dated 28.06.2019 has been finalized. A copy of the office order dated 25.02.2020 issued in this regard is enclosed herewith for ready reference.*
2. *The Reservation Roster in respect of Asstt. Manager (T) against direct recruitment quota are being corrected in line with the DoPT guidelines and the updated Reservation roster shall be forwarded to NCST at the earliest.*
3. *As on 01.01.2019, there are 114 posts of Asstt. Manager (T) against direct recruitment quota, out of which 8 vacancies are earmarked for ST candidates as reservation roster and the posts are filled up.*

ii. DTL, submitted the copy of final seniority list issued vide DTL/101/2020-HR-DM(HR)-II/13 dated 25.02.2020. wherein the subsequently selected 3 candidates are placed below 28 candidates of the first selection list for recruitment year 2006.

iii. DTL also submitted a corrigendum issued vide letter no. DTL/101/2019-20/HR-DM(HR)-II/14 dated 25.02.2020 wherein it is stated that

“In partial modification of Office order No. DTL/101/2020-HR-DM(HR)-II/13 dated 25.02.2020, following existing lines may be substituted as under”:-

Existing lines:


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अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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"The final Seniority final list of the officers who have been appointed/ promoted to the post of Assistant Manager (T), in pay band of Rs.19000-39100 with grade pay of Rs.5400/- uptill June, 2006 is circulated as under":-

Substituted Lines:

"Final Seniority list of the officers, who have been appointed/ promoted to the post of Assistant Manager(T) in the pay Band of Rs.19000-39100 with grade Pay of Rs.5400/-, against Direct recruitment quota upto December, 2006 and against Promotional quota up till June, 2006, is circulated as under":-

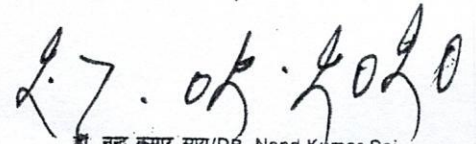
- iii. Petitioner prayed to safeguard him against motivated vigilance enquiry initiated against him with the sole purpose of harassment, it is informed by petitioner that he was denied to provide any information regarding the case by vigilance department in written as well as the copy of his own statement when he appeared in vigilance for statement, the concerned vigilance officials also refused to provide copy of any vigilance proceeding rule in support of their above said refusals.

Recommendation:-

Secretary, Department of Power, GNCTD and CMD, DTL should take corrective actions on the following and submit the compliance report to the commission within 15 days.

1. DTL should prepare the correct Reservation Roster Register and submit the certified copy of same in the commission.
2. As per the submitted Roster list from DTL for year 2019, one ST vacancy is shown vacant, whereas, in ATR dated 25.02.2020 the vacancies are stated as filled. DTL should first prepare the Reservation Roster Register and then take corrective actions.
3. The vigilance enquiry initiated against the petitioner seems motivated with purpose of harassment, take appropriate measures to safeguard Scheduled Tribe employees in DTL from such acts.
4. It is advised to Department of Power, GNCTD and DTL that in future before taking decision regarding Scheduled Tribe Employees, instructions/guidelines issued by DoPT be followed, it should also be ensured that their fundamental and constitutional rights must be protected for social and financial up-gradation as guaranteed in Constitution of India.





डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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National commission for Scheduled Tribes

(File No. HK/5/2017/STGDH/SEHRMT/RU-1)

List of Participants in the sitting held on 25.02.2020 under the chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairman, NCST in case of Shri Hemant Kumar, (R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi) regarding De-reserving of ST vacancy and fixation of inter-se seniority of AM(T) in Delhi Transco Limited, New Delhi.

- I. National Commission for Scheduled Tribes
 1. Dr. Nand Kumar Sai, Hon'ble Chairman
 2. Shri KonthangTouthang, Joint Secretary
 3. Dr, Lalitlatta, Director
 4. Shri R.S.Misra, Senior Investigator

- II. Department of Power, Govt. of NCT of Delhi
 1. Sh. D Verma, Special Secretary

- III. Delhi Transco Limited, Govt. of NCT of Delhi
 1. M. A. Khan, GM (HR)
 2. Shri Mukesh Gupta, Dy. Manager (HR)

- IV. Petitioner
Shri Hemant Kumar