



Government of India
National Commission for Scheduled Tribes

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

File No. JMD/4/2013/MRLY1/SEOTH/RU-I

Date: 14/10/2016

To

The Chairman,
Ministry of Railways,
Railway Board,
Rail Bhawan, Rafi Marg
New Delhi-110001.
Fax: 011 23385111

Sub: Representation dated 08/03/2013 received from Shri Johan Singh, Assistant Personnel Officer, Northern Railway regarding non-redressal of his genuine and valid grievance by the authorities concerned of the Railways.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the NCST on 23/09/2016 on the above mentioned subject for necessary action. **Action Taken Report** may be submitted to the Commission expeditiously.

Encl: As above.

Yours faithfully,


(Shailesh Kashyap)
Assistant Director
Tel: 011-24645826

6942-43
14/10/16
जारी किया
ISSUED

Copy to:

Shri Johan Singh,
Sr. Personnel Officer/Northern Railway,
Now working as Dy. Secretary/RRB/J-S/Jammu,
Jammu & Kashmir – 180012.

Copy for information to:

1. PS to Hon'ble Vice Chairperson, NCST
2. SSA NIC (for hosting on Commission's website)





Government of India
National Commission for Scheduled Tribes

File No. JMD/4/2013/MRLY/SEOTH/RU-I

Sub: Proceedings of the Sitting held under the Chairmanship of Hon'ble Vice Chairperson, NCST, to discuss the case of Shri Johan Singh, Assistant Personal Officer, Northern Railways regarding non-redressal of his genuine and valid grievance by the authorities concerned of the railways

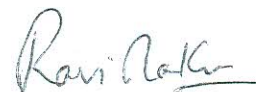
1. A representation was received in the Commission from Shri Johan Singh, Assistant Personal Officer, and Northern Railways with regard to empanelment of the post of Asstt. Personal Officer Group 'B' against 30% quota vacancies for the period from 01.12.2002 to 31.3.2003 and 01.4.2003 to 31.3.2005 against ST vacancies.
2. The Sitting was held in the Conference Room of NCST on 23.9.2016, under the Chairmanship of Hon'ble Vice Chairperson, NCST, to discuss the matter.
3. List of participants in the Sitting is as at Annexure A.
4. Chairman, Railway Board, Govt. of India vide D.O No. 2005-E(SCT)II/3/116 , dated 21.9.2016 has requested to exempt him due to pre-occupations and deputed Shri A.K.Puthia, General Manager. Shri A.K. Puthia vide his letter dt. 22.6.2016 has requested for his exemption due to pre -engagement and deputed Shri Angaraj Mohan, Chief Personnel Officer. Hon'ble Vice Chairperson has allowed the same.
5. During discussion the Hon'ble Vice Chairperson has asked the petitioner to present the case, before the Commission.
6. Petitioner explained that:
 - (a) The selection for the assessment of the vacancy during the period from 01.12.2002 to 31.03.2003 & 01.04.2003 to 31.05.2005 against 70% & 30% quota for the post of Asstt. Personnel Officer was conducted in the year 2003 and 2004. Shri Iranius Tirkey & Shri Johan Singh (ST) candidates appeared in both the examinations. Shri Tirkey was earlier taken on the panel against 70% quota under "Best among failure" scheme and was posted as Assistant Personnel Officer at Moradabad Division since 28.05.2004. Shri Iranius Tirkey is also one of the ST candidate out of 03 ST candidates qualified against 30% quota. Shri Iranius Tirkey was interviewed on 20/21 July 2004 against 30% quota vacancies when he was already working as Assistant Personnel Officer in Moradabad Division Northern Railway since 28.05.2004. Shri Iranius Tirkey did not submit his option either for staying against 70% quota or opt to go against 30% LDCE quota during the course of interview of 30% quota and resulting in he being placed on provisional panel

Ravi Thakur

रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

against 30% LDCE quota also. Shri Iranus Tirkey working as Assistant Personnel Officer against 70% promottee quota was not reported as Assistant Personnel Officer against 30% (LDCE) quota up to 04 month and 24 days. Shri Iranus Tirkey has given his refusal for empanelment against 30% LDCE quota of Asstt. Personnel Officer in the 2nd week of Dec. 2004 only and was placed on provisional panel of Asstt. Personnel Officer against 70% promottee quota vide the General Manager (P) letter dated 20.12.2004.

- (b) In terms of Para 207.3 IREM Chapter I Section A, that an employee empanelled for promotion to Group 'B' refusing promotion, when his turn arises should be debarred for promotion for one year and if after one year, he refuse promotion again, his name should be deleted from the panel. In the case of Shri Johan Singh, Shri Iranus Tirkey has submitted his refusal in the 2nd week of December 2004 and opt for promotion in the panel of APO 70% quota, and hence his name (Iranus Tirkey) should be deleted as stated in the rule and the resultant vacancy should have been offered to the next candidate before the panel expires.
- (c) The above 01 ST vacancy in 30% quota of (2003-2005) was carried forward and selection for the same was held in the year 2007. After conduct of written examination & viva-voce, the same post was filled up by Shri Johan Singh on 12.03.2008 i.e. after gap of more than 03 years, and appellants have been placed on the panel and working as Asstt. Personnel Officer since March 2008.
- 8 Shri Angaraj Mohan , Chief Personnel Officer , Northern Railways has clarified that Shri Tirkey was promoted as per rules .
9. After the direction of Hon'ble Vice Chairperson, photocopy of the said rules also provided (Annex.1)
10. Since, Shri Iranus Tirkey has opted for 70% of the quota, the post of 30% quota, he was holding got vacated from the very date he was absorbed in 70%. The panel should have been operated by bringing up the name of the applicant from the wait list, since the post has been lying vacant for quite some time and the panel also valid. By keeping the ST post vacant, the Department has done more harm to STs.
11. Having heard the above, Hon'ble Vice Chairperson advised that Railway Board may consider the case of Shri Johan Singh for appointment as Assistant Personal Officer with effect from the date the other candidate vacated the post under 30% quota as the panel was valid on that date and inform the Commission accordingly as the same was covered under the Rules. Hon,ble Vice Chairperson also asked to submit a compliance report urgently.



रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

List of Participants

Sr. No. Name and Designation

I National Commission for Scheduled Tribes

1. Shri Ravi Thakur,
Hon'ble Vice Chairperson
2. Smt. K. D. Bhansor,
Director
3. Shri Mohan Das,
PS to Hon'ble Vice Chairperson
4. Shri Shailesh Kashyap,
Assistant Director
5. Shri H.R. Meena,
Senior Investigator

II Ministry of Railways

1. Shri S. P. Mahi,
Executive Director (Establishment & Reservation)
2. Shri Angraj Mohan,
CPO, Northern Railway
3. Shri S. S. Sandhwalia,
CPO/IR, Northern Railway

III Petitioner

1. Shri Johan Singh,
Dy. Secy., JAT