



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. SHR/4/2013/MDEF2/SEPROM/RU-IV

Dated: 15.12.2016

To,

1. The Engineer-in-Chief,
Military Engineering Services,
Engineer-in-Chief's Branch,
Integrated HQ of MoD (Army),
Kashmir House,
New Delhi - 110 011.
2. The Director General (Pers),
E1 (DPC), Military Engineer Services,
Engineer-in-Chief's Branch,
Integrated HQ of MoD (Army),
New Delhi.

Sub: Proceedings of the sitting taken by Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 11.11.2016 at 11.00 A.M in the matter of Shri S. Hemanth Raju, JE (Civil), Military Engineer Services, GE (Central), Bangalore regarding promotion.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 11.11.2016 on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,


(V.P. Shahi)
Assistant Director

5/12-14
16/12/16
जारी किया
ISSUED

Copy to:-

Shri S. Hemanth Raju,
JE (Civil), Military Engineer Services,
GE (Central) Bangalore Military Engineer Services,
Agaram Post - 560 007
Bangalore (Karnataka).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. SHR/4/2013/MDEF2/SEPROM/RU-IV

Proceedings of the Sitting taken by Shri Ravi Thakur, Hon'ble Vice-Chairperson, NCST on 11.11.2016 at 11.00 A.M. in the matter of Shri S. Hemanth Raju, JE (Civil), Military Engineer Services, GE (Central), Bangalore regarding promotion.

Date of sitting: 11.11.2016

List of the officers present: (Annex I)

Shri S. Hemanth Raju, JE (Civil), Military Engineer Services, GE (Central), Bangalore vide representation dated 29.05.2015 has alleged denial of promotion by the MES authorities. The matter was taken up with the Director General (Personnel), MES, M/o Defence, New Delhi. The Director General, MES vide letter No. B/41025/CPG/Engr/E1DPC dated 12.06.2015 has furnished the facts, which was communicated to Shri S. Hemanth Raju. Shri Hemanth Raju vide representation dated 22.07.2016 and 05.08.2016 had again alleged for promotion from JE (Civil) to AE (Civil) for the vacancy year 2015-16 and 2016-17 in the MES.

2. A Sitting was fixed for 20.10.2016 to discuss the issue with the Director General (Pers), E1 (DPC), MES, Engineer-in-Chief Branch, New Delhi and Engineer-in-Chief, MES, Engineer-in-Chief Branch, New Delhi. The Sitting was attended by Junior Officers of MES. Hence, Hon'ble Vice-Chairperson directed to issue Summons to Director General (Pers), E1 (DPC), MES, Engineer-in-Chief Branch New Delhi and Engineer-in-Chief, MES, Engineer-in-Chief Branch, New Delhi to appear before the Commission 11.11.2016 at 11.00 A.M. to discuss the issue.

3. The Director General (Pers), E1 (DPC), MES, Engineer-in-Chief Branch New Delhi and Engineer-in-Chief, MES, Engineer-in-Chief Branch, New Delhi has sought exemption from personal appearance and deputed Shri S.K. Chaudhari, Director, E1 (DPC)/E-in-C's-branch.

4. The Hon'ble Vice-Chairperson allowed Director, MES to attend the Sitting. The Director, MES stated the eligibility criteria for promotion from JE to AE is for 10 years


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

regular service for Diploma holders and 6 years regular service for Degree holders. Shri Hemanthu Raju has completed his graduation (degree) in the year 2014. In the year 2015-16 there were only 47 vacancies and name of the applicant in the list of JE was at Sl. No. 672. As per rules, "extended zone of consideration" is five time the number of vacancies available for promotion. The candidates were considered upto Sl. No. 235. Thus, Shri Hemanth Raju was not covered for promotion in the year 2015-16. Shri Hemanth Raju again pointed out that he is eligible for promotion from JE to AE in the year 2015-16 and also stated that there are vacancies for the STs lying in MES which are still unfilled. Director, MES further explained that there are vacancies reserved for the STs, and requested the Commission, to guide them to fill up the posts reserved for STs.

5. In view of the discussion, applicability of Note to Column No. 12 of SRO-56 dated 10-6-2010 to be worked out for extending promotion to the post of AE(Civil) for the vacancy year 2015-16 to Shri S. Hemanth Raju, JE as 5 officers junior to him have already been promoted for the vacancy year 2012-13. This is covered under DoP&T O.M. No. AB-14017/12/88-Estt.(RR) dated 25-3-1996 and O.M. No. AB-14017/48/2010-Estt.(RR) dated 31-12-2010.

6. It is a serious concern that 28 ST AE(Civil) vacancy has not been filled up since 2002. All vacancies of UR are filled up from time to time leaving ST vacancy and no efforts have made to fill the vacancies reserved for Scheduled Tribes. It clearly shows the injustice and discrimination towards ST officials. Commission strongly feels that the eligibility criteria should be relaxed for ST candidates and should fill up all ST posts at the earliest, at least on adhoc basis.

7. It was also explained to Director, MES that National Commission for Scheduled Tribes in its Annual Report 2009-10 has suggested certain ways to fill up the posts reserved for STs which may be adhered to for filling up the backlog vacancies of Scheduled Tribes and the applicant may be considered for promotion keeping in view his qualification, length of service and other provisions as in Annexure-II.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

File No. SHR/4/2013/MDEF2/SEPROM/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice-Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Shri V.P. Shahi, Assistant Director,
4. Shri P.V. Mohandas, PS to VC
5. Shri R.S. Misra, Sr. Investigator

Officers of Ministry of Defence

1. Shri S.K. Choudhary, Director, E1 (DPC), E-in-C's Branch
2. Shri Kusum Ranjan, Jt. Director, E1(DPC), E-in-C's Branch

Petitioner

1. Shri Hemanth Raju

Extract from

FIFTH REPORT OF NCST
YEAR 2009-10

- (i) There should be total ban on dereservation of posts reserved for Scheduled Tribes to be filled by any method i.e. whether Direct Recruitment or promotion in all Ministries/Deptts./Organisations except those where reservation is exempted..
- (ii) The ban on dereservation in Direct Recruitment should be monitored strictly as many Ministries/Deptts./Organisations including DoPT have failed to appoint Scheduled Tribes candidates against Direct Recruitment posts/ grades of general nature, for which there should be no paucity of qualified/ eligible ST candidates.
- (iii) Recruitment Rules in r/o each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (where admissible).
- (iv) There should be total ban on dereservation in general, excluding certain exceptional categories of posts. The exceptional posts should be decided in consultation with the Ministry of Tribal Affairs as well as National Commission for Scheduled Tribes also.
- (v) No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.
- (vi) Instead of seeking dereservation of the post, provisions of the DoPT OM No. 36011/14/83-Estt.(ST) dated 30/04/1983 relating to consideration of cases of ad-hoc promotion of SC/ ST employees should be applied in the matter of promotion of ST candidates against reserved posts. The relaxation in period of ad-hoc appointments upto 3 years agreed in respect of Group 'C' and 'D' posts vide DoPT OM No. 28036/01/2007-Estt(D) dated 14/11/2007 may be allowed, with suitable amendments, in case of ad-hoc promotion of ST candidates appointed against all categories of posts reserved for Scheduled Tribes.
- (vii) To check various issues and problems connected with de-reservation and to ensure accomplishment of the targets of achieving required percentage of reservation for Scheduled Tribes in all categories of posts, the DoPT OM No. 36011/14/83-Estt.(ST) dated 30/04/1983 may be revised to prescribe drawing of separate lists of eligible ST/ SC candidates in respect of all kinds of promotion on regular as well as ad-hoc basis in all categories of posts.