



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A constitutional body under Article 338A of the Constitution of India)

File No. NCST/SER-1089/MDEF/22/2023-SSW
File No. NCST/SER-1209/MDEF/26/2024-SSW

Dated: 26.02.2024

To,

Shri Amitabh Prasad
Joint Secretary & CAO,
Ministry of Defence,
Defence Offices Complex,
Africa Avenue, New Delhi- 110023
(Email:- prasada@cag.gov.in)
(Phone No. -011- 24199401)

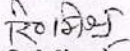
Sub: Non implementation of reservation in promotion from Assistant to the Grade of regular Section Officer in Armed Forces Headquarters -an online representation dated 07.10.2023 of Shri Thangkhosiam Tonsing, (Deputy Director, LW & E Dte, QMGs Branch, IHQ of MoD (Army)) RK Puram, New Delhi.

Sir,

I am directed to refer to subject cited above and to enclose herewith copy of the minutes of meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Vice-Chairperson (Acting), National Commission for Scheduled Tribes (NCST) on 20.02.2024 at 03:30 PM in NCST, New Delhi on the above mentioned subject.

It is requested that action taken/to be taken in the matter may be submitted to NCST with stipulated time for placing it before the Commission.

Yours faithfully,


आर.एस.मिश्र / R.S. Misra
अनुसंधान अधिकारी / Research Officer
Ph No. 011-24641640

Copy to:

Shri Thangkhosiam Tonsing,
House No. 891, Sector - 8,
R.K. Puram, New Delhi-110022
(Mobile No:9968655998)

Shri Raghunath Meena,
Deputy Director
DAV Dte, Air HQ
Subroto Park, New Delhi
(Mobile No:9968270576)

Shri Ummedi Lal Meena
Deputy Director
LW & E Dte, QMG's Branch
IHQ of MoD (Army) D-II wing,
Room No. 300, Sena Bhawan,
New Delhi (Mob No. 9582333425)

Copy for information to:

1. PS to Hon'ble Vice-Chairperson (Acting), NCST
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes
(F. No. NCST/SER-1089/MDEF/22/2023-SSW)
(F. No. NCST/SER-1209/MDEF/26/2024-SSW)

Minutes of the meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Vice-Chairperson (Acting), National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Thangkhosiam Tonsing, Deputy Director, Shri Raghunath Meena, Deputy Director and Shri Ummedi Lal Meena, Deputy Director regarding retrospective promotion.

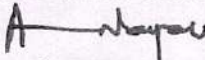
Date of the meeting: 20.02.2024, 03:30 PM
Participants in the meeting - As per Annexure

Shri Thangkhosiam Tonsing, (Deputy Director, LW & E Dte, QMGs Branch, IHQ of MoD (Army)) Sena Bhawan vide an online representation dated 07.10.2023 has alleged that he has joined the AFHQ Civil Service as Assistant on 19 Feb, 1993. The office of JS and CAO issued Select List for promotion for the grade of Assistant to Section Officer for the DPC year 2001-02 on 19 July 2023. The same day, promotion order was also issued and draft revised seniority of Section Officer circulated on 24 July 2023. Select List for DPC year 2001-02 empanelled 176 officers, 140 in regular panel and 36 in extended panel. Only 105 officers from the Select List were promoted with effect from 26.05.2001. The department did not fill up the entire vacancy as per the court order. Further, only 07 officers from the ST category were promoted out of 105 officers promoted. Considering reservation in promotion, minimum 08 Officers should be from the ST community. Being the 8th officer from the ST community in the ibid Select List, he should also be promoted with effect from 26.05.2001. By not filling up the actual number of vacancies and incorrect implementation of reservation in promotion, the ST community officers are deprived of their right of reservation in promotion in service.

NCST vide notice (NCST/SER-1089/MDEF/22/2023-SSW) dated 12/10/2023 had referred the matter to Defence Secretary, Department of Defence and Joint Secretary and CAO, Ministry of Defence for furnishing the facts and comments.

Shri Raghunath Meena, Deputy Director, DAV Dte, Air HQ, New Delhi vide representation dated 17.10.2023 has also alleged the same issue as raised by Shri Tonsing (File bearing no. NCST/SER- 1209/MDEF/26/2024-SSW). Thereafter, Shri Ummedi Lal Meena, Dy Director has also raised the same issue.

In response to Commission's Notice dated 12.10.2023, Joint Secretary and CAO, Ministry of Defence vide letter dated 09-11-2023 stated that –


अनंत नायक/ANANTA NAYAK
कार्यवाहक उपाध्यक्ष/Acting Vice-Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

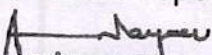
- The final revised seniority list of section officers for the period 2001-02 to 2008-09 has been published on 29.09.2023 as per CAT and Delhi High Court orders
- Against 24 vacancies for STs only 11 officers were eligible in 2001-02. Therefore 13 vacancies were carried forward to next year. Hence out of 153 vacancies, 140 were filled and 13 vacancies were carried forward
- As per para 17.10 of DoPT OM dated 10.04.1989, the date of "regular promotion" to the officers included in the panel would be from the date of validity of the panel or the date of their "actual promotion" whichever is later.
- The petitioners were appointed on ad hoc basis and regularized in 2008-09 and are now seeking retrospective regularization from 2001-02 which is against DoPT circular and was also rejected by the Delhi High Court

This was forwarded to Shri Thangkhosiam Tonsing on 08.12.2023 for information. The petitioner vide letter dated 26 Dec 2023 refuted the facts and comments and requested for justice. The rejoinder was forwarded to the Joint Secretary and CAO, Ministry of Defence on 29-12-2023. Joint Secretary and CAO, Ministry of Defence vide letter dated 06-02-2024 stated that "the matter is related to the implementation of the Hon'ble High Court of Delhi order dated 28.07.2022 in WP(C) No. 11673/2016 and concerned matters which has been further challenged in the Supreme Court through SLP (C) No 17145-46/2022 by one of the affected party and the next date of hearing is 11 March 2024".

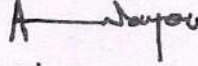
The Commission has decided to discuss the issue with the authority and the petitioner(s) on 20.02.2024. The Joint Secretary and CAO, Ministry of Defence vide letter dated 14.02.2024 has requested for exemption and deputed Director (HR) and other officers for appearing before the Commission. The petitioner(s) (Shri Thangkhosiam Tonsing, Deputy Director, Shri Raghunath Meena, Deputy Director and Shri Ummedi Lal Meena, Deputy Director) were also present.

The petitioners alleged that the Department is not considering/following the reservation rules applicable for ST employees due to which rights have not been extended. The Officers reiterated their earlier comments and informed the background of the case and the action taken by the department in the matter. It was also informed that the matter is pending with the Hon'ble Supreme Court, and the date is fixed for hearing (11 March 2024).

After discussions with both the parties, the Commission recommends the following and suggests that action taken report may be submitted within a month –


अन्ता नायक/ANANTA NAYAK
 Acting Vice-Chairperson
 NATIONAL COMMISSION FOR TRIBES
 नई दिल्ली/New Delhi

- The roster register maintained for Assistant Grade prior to 2001-02 may be supplied.
- After the final judgement of the Hon'ble Supreme Court in the case, the seniority list (with keeping the interest of the ST person) may be finalised in consultation with the DoPT. In case any promotion is done during the pendency of the Court case, the case of promotion of the petitioner also need to be considered.
- An Internal Grievance Committee for redressal of grievances of ST employees may be constituted, as advised by NCST to the Ministries/Departments in August 2021



अनंत नायक/ANANTA NAYAK
कार्यवाहक उपाध्यक्ष/Acting Vice-Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi