



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)

F.No NCST/SER-857/MHUA/2/2023-SSW

Dated: - 08.10.2024

To,

1. Shri K. Srinivas
Secretary,
Ministry of Housing And Urban Affairs,
Room No. 122-C, Nirman Bhawan,
New Delhi-110011
(Ph No. 011-23062377)
Email Id: secyurban@nic.in
2. Shri Rajesh K. Kaushal
Director General
Central Public Works Department,
Nirman Bhawan,
New Delhi-110011
(Ph No. 011-23062556)
Email Id: cpwd_dgw@nic.in

Sub: In-justice with ST candidate by mentioning his name in the down below in Seniority list of Superintending Engineers of CPWD - a rep. dated 09.03.2023 of Shri D.S. Nayak, Superintending Engineer, CPWD- Calicut, Kallai, Kozhikode.

Sir,

I am directed to enclose herewith a copy of the minutes of the sitting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 3.10.2024 at 11:30 AM, New Delhi on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be submit to NCST within stipulated time from receipt of the letter, for taking appropriate action.

Yours faithfully,

(Dr. P. Kalyan Reddy)
Director
Phone :-011-24641640

Copy for information:-

Shri D.S. Nayak,
H. No. 265, 2nd Floor, Suprabha,
7th Main, Lalith Mahal Nagar,
Mysore-570011 (Karnataka)
(Mobile No: 8178888533, Email: seccccpwd@gmail.com)

Copy to :-

1. PS to Hon'ble Member (Shri N. Chakma), NCST
- ✓ NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

Minutes of the meeting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi regarding delay in promotion in the case of Shri D.S. Nayak, Superintending Engineer (Civil), Calicut, Kozhikode (Kerala).

F. No.: NCST/SER-857/MHUA/2/2023-SSW

Date of the sitting: 03.10.2024, 11:30 AM

Participants in the Sitting - As per Annexure

Shri D.S. Nayak, Superintending Engineer (Civil), Calicut, Kozhikode (Kerala) vide letter dated 09.03.2023 has alleged that a corruption case was filed against him by CBI but was later acquitted by the CBI Court. But the authorities continued with departmental inquiry and it took 10 years to complete the inquiry and eventually imposed minimal penalty of CENSURE. Due to delay in inquiry, the Department had not considered his candidature for promotion and 16 persons junior to him were promoted. Further, while preparing new seniority list of Superintending Engineers, he was placed below another 10 officers, thereby putting him 26 positions below his actual position.

2. NCST vide Notice dated 08.05.2023 referred the matter to the Secretary, Ministry of Housing and Urban Affairs and Director General, Central Public Works Department for facts and comments within 15 days. The Commission decided to discuss the issue with the Secretary, Ministry of Housing and Urban Affairs and Director General, Central Public Works Department and the petitioner on 03.10.2024. This was communicated vide NCST Sitting Notice dated 20.09.2024 and the petitioner was also informed to attend the sitting.

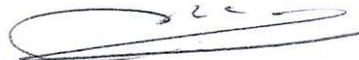
3. MoHUA vide letter dt. 01.10.2024 had deputed DG, CPWD and Director, EW, MoHUA for attending the Sitting. The concerned officers and the petitioner were present in the Sitting. The petitioner stated that he had been acquitted in the corruption case by CBI Court in 2010. Subsequently, the respective department had set-up a departmental enquiry which was completed in year 2015. It was mentioned that, the CBI could not find any evidence in the case of disproportionate assets and had filed a closure report but the department continued proceedings against him. Due to this, promotion was stalled. The Commission asked the authorities to provide a copy of CBI report and departmental proceedings report. The authorities were unable to provide the reports.

4. After discussion with the officers and petitioner, the Commission recommends the following and to submit the Action Taken Report within 15 days from the receipt of the Minutes. After that Commission will decide further course of action.

(i) The CBI report in the disproportionate assets case may be provided to the Commission.

(ii) The Departmental Inquiry set-up by department against the petitioner on CBI report with all relevant documents may also be provided to the Commission.

(iii) TA and special leave may be reimbursed / granted in favour of petitioner for attending the sitting at NCST Headquarters.



निरुपम चाकमा / Nirupam Chakma

सदस्य / Member

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

भारत सरकार / Government of India

नई दिल्ली / New Delhi

List of participants of the sitting held on 03.10.2024 at 11:30 AM under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, NCST in the case of Shri D. S. Naik, Superintending Engineer, CPWD- Calicut, Kallai, Kozhikode regarding in-justice with ST candidate by mentioning his name in the down below in Seniority list of Superintending Engineers of CPWD

I <u>National Commission for Scheduled Tribes</u>			
1.			
2.	Shri Surat Singh Director		
3.			
4.	Shri Akash Tripathy Sr. Investigator		
5.	Shri Mukesh Kumar Investigator		<i>Mukesh</i>
6.	Shri Neelmani Thakur Consultant - Legal		
7.			
II <u>M/o Housing and Urban Affairs</u>			
Sr. No.	Name and Designation	Address & Phone No.	Signature
1.	<i>Harind Kumar Sr. Inspector</i>	<i>M/HUA, Nirman Sharam, N-D ulai 23062923</i>	<i>[Signature]</i>
2.			
3.			
III <u>CPWD</u>			
1.	<i>Rajesh K. Kaushal D.G.</i>	<i>9868239454</i>	<i>[Signature]</i>
2.	<i>Sunil An. Sharma DDG (Dns)</i>	<i>9910893604</i>	<i>[Signature]</i>
3.			
IV <u>Petitioner</u>			
1.	<i>D.S. Nayak Superintending Engineer</i>	<i>8178888533</i>	<i>[Signature]</i>
2.			
3.			