



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-1431/MRLY/6/2024-SSW

Dated:- 14.10.2024

To,

The Chairman and Chief Executive Officer,  
Railway Board,  
Rail Bhavan,  
New Delhi - 110001  
(Email: crb.rb@railnet.gov.in)  
(Ph No. 011-23384010)


**Sub:- Harassment of ST employee by Administration of North East Frontier Railway - a representation dated 02.06.2024 by Shri Sukhlal Birua, Chief Workshop Engineer (CWE), 514, Northeast Frontier Railways Officers' Colony, Nambari, Maligaon, Guwahati (Assam) - 781011.**

Sir/ Madam,

I am directed to enclose herewith a copy of the minutes of Sitting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, NCST on 09.10.2024 at 12:30 PM in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time for placing it before the Hon'ble Member.

Yours faithfully,

  
(H. R. Meena)  
Research Officer  
Tel:- 24641640

Copy for information:-

Shri Sukhlal Birua,  
514, Northeast Frontier Railway Officers Colony  
Nambari, Maligaon  
Guwahati, Assam - 781011  
(Email: sbirua1@gmail.com, Mobile No: 7044671047)

Copy to :-

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





## 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)

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 denial of promotion and transfer at fag end of career in the case of Shri Sukhlal Birua, Chief Workshop Engineer, North East Frontier Railways.

**File:** NCST/SER-1431/MRLY/6/2024-SSW

**Date of the sitting:** 09.10.2024, 12:30 PM

**Participants in the Sitting -** As per Annexure

Shri Sukhlal Birua, Chief Workshop Engineer, North East Frontier Railways, Guwahati, Assam vide his representation dated 02.06.2024 alleged that he was deprived from occupying the post of Principal Chief Mechanical Engineer and was transferred in remaining six months of retirement (due on 30.11.2024). He was deprived from heading the Mechanical Department of North East Frontier Railway (NFR) and the post of Principal Chief Mechanical Officer (HAG level) was given to a junior officer (non-HAG level) who was posted there.

2. NCST vide notice dated 02.07.2024 had referred the matter to Chairperson and Chief Executive Office, Railway Board, New Delhi for furnishing facts and comments within 15 days. Reply was not received from Railway Board, a reminder letter was sent on 26.07.2024 for submitting the information within 3 days.

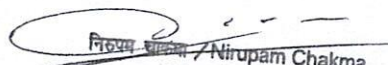
3. The Railway Board, vide their letter no. E(O)III-2024/CL/52 dated 08.08.2024 informed that the transfer of Shri Sukhlal Birua has been cancelled and he has been retained in N.F. Railways and posted as CAO/Proj on NFR on 30.07.2024. It further stated that posting on a particular post is an administrative decision and no officer can claim for posting on a particular post.

4. NCST decided to discuss the issue with the Chairman and CEO, Railway Board and the petitioner on 09.10.2024. Accordingly, Sitting Notice was sent by NCST letter dated 30.09.2024 to concerned authority and petitioner.

5. The Chairman and CEO, Railway Board vide letter dated 08.10.2024 sought exemption and deputed Additional Member (Mech. Engineering) and Joint Secretary (Gaz.), Railway Board. The concerned officers and the petitioner were present.

6. The petitioner reiterated his earlier submissions and stated that he had been posted as Chief Administrative Officer (CAO) at present and is due to retire on 30.11.2024. Officers of Railway Board informed the Commission that transfer of the petitioner had been done due to administrative reasons and the Principal Chief Mechanical Engineer and CAO posts are of Level-15 and reporting directly to General Manager, NF Railway.

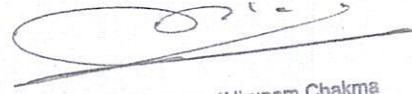
7. The Commission observed that the transfer of the petitioner who is going to retire on 30.11.2024 was done so that PCME post could be given to a junior. There was nothing against the petitioner due to which authority had taken such action. Prima facie action taken by concerned authority to be discriminatory. Since less than 2 month are left for the petitioner's retirement, Railway Board needs to take corrective action expeditiously. Officers of Railway Board assured the Commission that they will sort out the matter within 10 days (by 21.10.2024).

  
निरुपम चाकमा / Nirupam Chakma  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Government of India  
नई दिल्ली / New Delhi



8. After hearing both the sides, the Commission recommends the following and suggested to submit the Action Taken Report to Commission by 21.10.2024 from the receipt of the minutes:

1. Relevant portion of the notes by which petitioner was transferred from NFR to CAMTECH, Gwalior, may be provided.
2. The post of PCME may be restored in favour of petitioner so that he can retire with dignity and honor on 30.11.2024.



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 09.10.2024 at 12:30 PM under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, NCST in the case of Shri Sukhlal Birua, Chief Workshop Engineer (CWE), 514, Northeast Frontier Railways Officers' Colony, Nambari, Maligaon, Guwahati (Assam) regarding harassment of ST employee by Administration of North East Frontier Railway

I <u>National Commission for Scheduled Tribes</u>			
1.			
2.	Shri Surat Singh Director		
3.			
4.	Shri Akash Tripathy Sr. Investigator		
5.	Shri Mukesh Investigator		
6.	Shri Neelmani Thakur Consultant - Legal		
7.	Shri Ajay Andley. Consultant		
II <u>Railway Board</u>			
Sr. No.	Name and Designation	Address & Phone No.	Signature
1.	<i>Amit Agasol</i>	<i>Add Member Railway Board</i>	<i>Amit</i>
2.	V. S. DAHIYA	Joint Secretary /G	<i>V.S.</i>
		JSS: 9910487350	
		Director 9958293512	
III <u>Petitioner</u>			
1.	Sukhlal Birua	514, Ry colony Guwahati 7044671047	<i>Sukhlal</i>
2.			
3.			