



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)

Speed Post/Email

F.No NCST/SER-1431/MRLY/6/2024-SSW

Dated: 21.11.2024

To,

Shri Satish Kumar
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.

महोदय

I am directed to enclose herewith a copy of the minutes of the sitting held on 20.11.2024 at 11:30 AM under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, 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 from receipt of the letter for placing it before the Hon'ble Commission.

Yours faithfully,

(एच .आर.मीना /H.R. Meena)
अनुसंधान अधिकारी / Research Officer
Phone -24641640

Copy for information:-

1. Shri Sukhlal Birua,
514, Northeast Frontier Railway Officers Colony
Nambari, Maligoan, Guwahati (Assam) - 781011
(Email: sbirual@gmail.com, Mobile No: 7044671047)
2. PS to Hon'ble Member (NC), NCST.
3. ✓ NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

Minutes of the Sitting held on 20.11.2024 at 11.30 AM 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: 20.11.2024, 11:30 AM

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 on his promotion, he was transferred was transferred in remaining six months of retirement (due on 30.11.2024) and deprived from holding the post of Principal Chief Mechanical Officer in the Mechanical Department of North East Frontier Railway (NFR). Instead, the post of Principal Chief Mechanical Officer (HAG level) was given to a junior officer (non-HAG level) who was posted there.

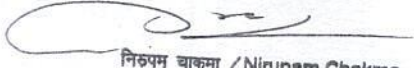
2. NCST took up the matter with the Chairman and Chief Executive Officer, Railway Board to resolve the case. The petitioner was not satisfied with the reply of Railway Board. Hence, NCST convened a Sitting with the officers of Railway Board and petitioner on 09.10.2024. After discussion with officers of Railway Board and petitioner on 09.10.2024, the following recommendations were made in Sitting and minutes were sent on 14.10.2024 to Chairman and CEO, Railway Board, New Delhi with request to submit the action taken report by 21.10.2024 and copy endorsed to petitioner.

(i) *Relevant portion of the notes by which petitioner was transferred from NFR to CAMTECH, Gwalior, may be provided.*

(ii) *The post of PCME may be restored in favour of petitioner, so that he can retire with dignity and honor on 30.11.2024.*

3. The Action Taken Report was not received from Railway Board. Hence, NCST vide letter of even no. dated 29.10.2024 sent a reminder to the Chairman and Chief Executive Officer, Railway Board for furnishing the action taken report within 02 days. No reply was received on the reminder either.

4. Therefore, NCST decided to discuss the issue with the Chairman and Chief Executive Officer, Railway Board and petitioner on 20.11.2024.


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


Accordingly, a Sitting Notice was issued on 14.11.2024 to Chairman and Chief Executive Officer, Railway Board and petitioner.

5. The Chairman and CEO, Railway Board and the petitioner were present in the sitting. The petitioner was asked to explain the grievance. The petitioner stated that the Railway Board has not taken any action on the recommendations of NCST. The Officers of Railway Board informed that the Railway Board, which led to the non-submission of the Action Taken Report (ATR) in time to NCST, did not receive the minutes of the sitting held on 09.10.2024 at NCST and the reminder letter of NCST. During the sitting, the Officers of Railway Board provided a copy of the Railway Board's letter no. E(O)III-2024/CL/52 dated 20.11.2024 along with brief note on the representation of the petitioner. But the Railway Board has not submitted the papers / documents related to recommendation No. 1 made by NCST as cited in para 2 . The Commission expressed serious concern over the casual and dismissive approach exhibited by the Railway Board in handling the recommendations made by NCST in the case. It was noted that, while the minutes were allegedly not received, the notice of the sitting had been delivered to the same address on two separate occasions.

6. The Officer of Railways Board was asked about the views / stand regarding restoration of petitioner's posting to the post of PCMO. The Chairman and CEO, Railway Board reiterated the clarification given in Para No. 2 of the Note No. MTRS/GAZ(2024/IRSME/HAG dated 19.11.2024 and stated that he had verbally consulted the General Manager of the NF Railway regarding the extending the responsibility of post of Principal Chief Mechanical Engineer (PCME) and concluded that the petitioner was unsuitable for the position. Consequently, the petitioner was not considered for the said post.

7. In the Sitting, the Chairman, Railway Board was asked as to why the petitioner was transferred as only six months of his service were left and deprived of his due posting to the post of PCMO(HAG level) though he was found suitable for promotion for holding the post of HAG level post and why a junior Officer even not promoted to HAG level was given the charge of PCMO. The Chairman replied that at that point of time, he was holding the post of Member (TRS) and he had consulted GM, NFR and it was found that the petitioner was not suitable for holding the post of PCMO.

8. Though the General Manager (Mr. Anshul Gupta), NF Railway had given 10 score for overall grading in the APAR of the petitioner for the period 01.04.2022 to 31.01.2023 and the General Manager (Shri Chetan Shrivastava), NF Railway had also given 10 score for overall grading in the APAR for the period 01.04.2023 to 31.10.2023 to him. The Railway Management has posted Junior to him who was yet to be promoted


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to HAG as a PCMO of NF Railway. This is a clear-cut case of discrimination by the Railway Management against him.

9. Furthermore, the decision to overlook the petitioner's claim for the post of PCMO was based solely on a verbal consultation. On the other hand, the Railway Management, had appointed a junior officer in his stead, which reflects a clear bias and indicates malafide intent against Scheduled Tribe (ST) employee. It reveals this to be a clear case of discrimination against ST employee and Commission strongly condemns such conduct by the Railway authorities as the Officer has been judged suitable for holding the HAG level post of PCMO but he was not posted to that post and a junior Officer (not promoted to HAG level) was considered suitable for holding the post of PCMO. This smells about a conspiracy of some Officers of Railway Board to discriminate against the Officer belonging to ST community and deny him rightful posting .

10. After discussion with the Officers of Railway Board and petitioner, the following recommendations are made and suggested to submit the action taken report within 30 days:-

1. A detailed report outlining the grounds on which the petitioner was declared unsuitable for the post of PCMO, may be provided.
2. Action may be initiated against the Officers, who were responsible for the discriminatory treatment with the petitioner, due to that the petitioner is deprived from getting the post of PCMO.
3. Relevant portion of the notes by which petitioner was transferred from NFR to CAMTECH, Gwalior, may also be provided (As mentioned in the Para 2 (point 1).

(Nirupam Chakma)
Member,
National Commission for Scheduled Tribes,
New Delhi



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