

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 272/1/2009/MWTR1/SERPROM/RU-I

Proceedings of the Sitting on 10.06.2011 of Chairperson with CEO, Delhi Jal Board

ISSUE

Representation of Shri S. K. Meena, DD(R) regarding his promotion as AC/DDR w.e.f. from 1997-08 instead of 2001-02 in Delhi Jal Board and corresponding delay in promotion to the grade of Jt. Director.

BACKGROUND

A representation dated 21.04.2009 was received in the Commission from Shri S. K. Meena regarding his timely promotion as AC/DDR w.e.f. from 1997-08 instead of 2001-02 in Delhi Jal Board (DJB) and corresponding delay in promotion to the grade of Jt. Director. Shri Meena had mentioned that he was appointed as AO/ZRO in DJB on 15.01.1990. In the DPC he was promoted against the vacancy for the year 2001-02 and his junior was shown against the year 1998-99. He had requested for a review DPC by DJB for promotion to AC/DDR and immediate DPC meeting for promotion to the post of Joint Director.

The matter was taken up with the Chief Executive Officer, DJB vide letter dated 19/05/2009. The DJB replied vide letter dated 02.07.2009, mentioning that Shri Paras Ram, a SC candidate was promoted earlier to Shri S. K. Meena in the year 1998-99 against a SC reserved point, no general category candidate was promoted on regular basis earlier to Shri Meena. Some juniors of Shri Meena were promoted to the post of AC/DDR in 1998 earlier to him on ad hoc basis in 1998 as he was not clear from vigilance angle. On becoming clear from vigilance angle, he was promoted as AC/DDR on ad hoc basis on 22.06.1998. The reply dated 02.07.2009 from DJB was intimated to Shri Meena, who in response submitted a rejoinder dated 28.10.2009.

From the correspondence made by Shri Meena and supporting documents provided by him, and information furnished by the DJB, following issues were noticed:

- i) As per seniority list of AO/ARO w.e.f. 19.10.1993 to 31.12.1990 Shri A. D. Taneja and Shri M. G. Sharma are junior to Shri Meena.
- ii) Shri Meena was given ad hoc promotion as AC/DDR w.e.f. 01.01.1999 and notional ad hoc promotion w.e.f. 31.03.1998 vide DJB order dated 19.12.2001, which indicates that there was

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- vacancy of AC/DDR in 1997-98 and Shri Meena was also eligible for promotion as AC/DDR.
- iii) Posts of DDR were increased by 09 nos from 03 nos to 12 nos vide DJB order dated 10.02.1998, therefore, minimum 09 vacancies should have been intimated to the DPC.
 - iv) 3 posts of DDR were upgraded to that of Joint Director (Rev.) vide order dated 17.07.1998. It is on record that the posts of Jt.Dir(R) to be filled on CDC basis from DDR as the RRs for the post were not finalized.
 - v) The RRs for AC/DDR were notified in 1987 and was operative since then. As per vacancy based roster, fourth point is for ST category and which was never filled up and was being carried forward as backlog. During the DPC, while filling the vacancy for the year 1997-98, 1998-99 and 2001-02, the backlog vacancy was of ST was not considered.
 - vi) DJB vide letter dated 31.03.2010 intimated that Shri S. K. Meena had completed 8 yrs of qualifying service on 15.01.1998 and was not having qualifying service on the crucial dated, therefore, could not be considered for promotion against the vacancy year 1997-1998.

Since satisfactory reply, convincing as per existing rules, was not received from the Delhi Jal Board, Sitting was arranged with Chief Executive Officer for 29.10.2010. A letter dated 28.10.2010 was received from DJB, requesting the Commission to postpone the sitting for a couple of months as there was no Member (Admn.) in DJB and CEO had desired to have a fresh look in the matter with his Sr. Officers before discussing it with the Commission. As there was no reply from DJB even after a reminder dated 17.01.2011, a sitting was fixed for 11.04.2011 with the CEO, DJB. Shri D. Varma, Director, DJB came on the scheduled date and requested the Commission to allow a period of 3 weeks time to study and take action as per the provisions. He assured that a decision will be taken by 04.05.2011 or CEO will attend the sitting on that date. Again on the scheduled date, Shri D. Varma, Director, DJB came and informed that case has been reviewed and it appears that Shri Meena was eligible for promotion and vacancies also existed. It was further mentioned by him that fresh appraisal is required and opinion of DoP&T is being taken. A letter to this effect was received on 05.05.2011.

From the above, it appears that DJB is proposing to refer the case to DoP&T to delay the case and deny the petitioner his promotion as due to him, whereas in all other cases, decisions are being taken in the DJB.

In view of the above, Chairperson, NCST has decided to have a Sitting/discussion with CEO, DJB on 10.06.2011 at 1130 Hrs in the Commission, in which Shri B.L. Meena, Member would also be present.

DISCUSSION

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The Commission explained the background of the case in brief. DJB officials explained that there is no discrepancy in the seniority list as it is based
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on the rota quota as per the RRs of the AC/DDR. DJB officials also informed the Commission that Shri S.K. Meena has been promoted as Jt Director w.e.f. 09.06.2011 on ad hoc basis.

It was agreed by the DJB officials that there was a ST backlog vacancy before implementation of the Post based Roster (PBR) in 1997 as per the Vacancy Based Roster. DJB expressed reservation in operating the earlier backlog vacancy after implementation of the PBR. The Commission expressed that if the representation of the STs is not adequate than recruitment to be done as per the available backlog vacancies. The fact is that since notification of the RRs of the AC/DDR in 1987, no ST candidate was promoted to the post of AC/DDR.

The Commission explained that Shri Meena became eligible for promotion in Jan'1998 and 09 new posts of DDR were created in Feb'1998. Therefore, it is clear that at the time of creation of new posts, Shri Meena was eligible for promotion. Had the DPC been conducted in time, Shri Meena would have been promoted in 1998-99. The 3 posts of DDDR were upgraded to the post of Jt. Dir in July.1998. As the DPC was not done in time, this later development was taken into account, by considering the vacancies available for promotion during the year 1998-99 as 06 only instead of 09. DJB officials agreed that non conduction of timely DPC has resulted in denial of timely promotion of Shri Meena.

The Commission further expressed that Shri Meena was given ad hoc promotion as AC/DDR w.e.f 01.01.1999 and notional ad hoc promotion w.e.f. 31.03.1998 vide DJB order dated 19.12.2001, which indicates that there was vacancy of AC/DDR in 1997-98 and Shri Meena was also eligible for promotion as AC/DDR.

The DJB officials mentioned that following two issues are required to be consulted with the DoP&T and UPSC so that other similar issues pending in the DJB may also be settled:

- i) Whether backlog ST point from Vacancy Based Roster can be operated after implementation of the Post Based Roster, if the ST representation is not adequate.
- ii) In case of non-timely (delayed) conduction of DPC, the vacancies available at the beginning of the year are to be considered for promotion, without (or with) taking into account the later developments.

It was further mentioned by the DJB officials that a case for seeking clarification from UPSC and DoP&T will be taken up within 15 days and in case of no response or no clarification, the case will be decided as per the recommendation of the Commission.

The Commission explained that in case of consideration of backlog ST point, the name of Shri Meena should appear at Sl.No. 5 in the vacancies for the year 1998-99 in place of Shri V.P. Tanwar. In case of review DPC with 9 vacancies for the year 1998-99, the candidates upto Sl. No. 8 i.e. Shri Ram No. 272/1/2009/MWTR1/SERPROM/RU-I

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Kumar should be promoted and Shri Paras Ram against SC point. Therefore, Commission is of the view that Shri S. K. Meena should be promoted against the vacancy for the year 1998-99 and consequential seniority benefit should be given to him.

RECOMMENDATION

In view of the discussion, the Commission recommended that Shri S.K. Meena should be promoted against the vacancy for the year 1998-99 and consequential seniority benefit should be given to him. In case, the matter is forwarded to DoP&T and UPSC for clarification, the decision should be taken within a period of 6 months.

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ANNEXURE

The following were present in the sitting on 10.06.2011 :

NCST

1. Dr. Rameshwar Oraon, ChairpersonIn Chair
2. Shri B. L. Meena, Member
3. Shri Vinod Aggarwal, Director

Delhi Jal Board

1. Shri Ramesh Negi, CEO
2. Ms. Rinku Dhugga, Member (Admn.)
3. Shri U. B. Tripathi, Director

Petitioner

1. Shri S. K. Meena, Jt Director (Rev.)