

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File.No. HSM/25/2014/MF1N9/SEHRMT/RU-IV

Proceedings of the Sitting held by Shri Ravi Thakur, Vice Chairperson, National Commission for Scheduled Tribes with Staff Selection Commission on 25.5.2015 in the case of Shri Hari Shankar Meena, on his request for extension of time for joining as Inspector in Central Board of Excise and Customs.

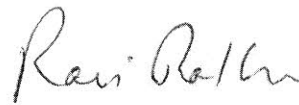
List of participants (Annexed)

The Case

The case relates to grievance of Shri Hari Shankar Meena, who was recommended by the Staff Selection Commission for appointment to the post of Inspector in CBEC. The decision of the Staff Selection Commission on the request of the petitioner for extension of joining time is stated to have not been communicated

Background

2. The Office of the Chief commissioner of Central Excise Chennai Zone, vide Office Order Dated 4-12-2013, sent an offer of appointment to Shri Hari Shankar Meena in the post of Inspector of Central Board of Excise and Customs to based on the recommendations by SSC on the basis of the results of the Graduate Level Examination – 2012 conducted by SSC. Since his mother was not well, he sought extension of time to join and he was granted time till 3-6-2014 by the Office of Chief Commissioner of Central Excise, Chennai and was also informed that if he didn't join within this period, the offer of appointment will lapse. However, the petitioner vide his letter dated 2-6-2014 sought further extension of 12 days till 15-6-2014 on account of his mother's illness. A ticket booked by him to travel by air on 2-6-2014 in Jet airways had to be cancelled as his mother developed some complication and he could not leave her alone. A copy of the ticket is on record.



3. The Office of the Chief Commissioner of Central Excise, Chennai, Vide letter dated 6-6-2014 addressed to the Regional Director, SSC, Chennai, while recommending extension of joining time, had requested SSC to allow extension of time to join as the individual seems very keen to join and has requested for extension of time to join on grounds beyond his control. The office of Regional Director SSC, Chennai vide letter dated 5-8-2014 advised the Commissioner, Central Excise Chennai to examine the case and send a self contained proposal for onward transmission to SSC (HQ) New Delhi. As per SSC, Chennai, mother's illness as stated by the applicant, was not a valid ground for extension of joining time.

4. Shri Hari Shankar Meena approached the National Commission for Scheduled Tribes vide his application dated 3-11-2014 and the matter was taken up with Chairman, CBEC, Chennai. A D.O. letter was also written by Hon'ble Vice Chairperson, NCST addressed to the Commissioner, Central Excise, Chennai on 3-11-2014 to which the Commissioner, Central Excise, Chennai replied that the matter was with the SSC, Chennai. Hon'ble Vice Chairperson, NCST also wrote a D.O. letter dated 20-11-2014 to Chairman, SSC for which no reply came. Thereafter a letter was again sent to the Chairman, SSC on 4-2-2015, in which it was decided to hear the case in the Commission on 20-2-2015.

5. A Sitting was held in the Commission on 20-2-2015 chaired by Hon'ble Vice Chairperson wherein Deputy Secretary and Under Secretary from SSC attended. A letter dated 17-2-2015 received from Chairman SSC stating that the revival of the candidature of Shri Hari Shankar Meena beyond 6 months cannot be considered since the applicant had not submitted 'other proof' relating to the circumstances for seeking extension, was also discussed. As the petitioner had sought extension of time for 12 days only and the Commissioner, Central Excise, Chennai had also promptly requested the SSC for sympathetic consideration of the request on the grounds which were beyond the control of the petitioner. The office of Regional Director, SSC, Chennai took about two months in advising the Commissioner Central Excise, Chennai for sending comprehensive proposal. The SSC was advised to revive the candidature of Shri Hari Shankar Meena sympathetically since the ST post is not filled up and the CBEC was awaiting

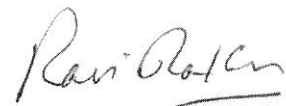
candidature approval of SSC and much delay in considering the request for extension has occurred on the part of the SSC. As there was no response from SSC a fresh Sitting was scheduled on 25-05-2015

Presentation and Submissions

6. Shri A. Bhattacharya, Chairman SSC informed the Commission that as per the standing instructions of Department of Personnel and Training on the matter relating to extension of joining time to the selected candidates, the extension could be allowed upto six months from the date of issue of offer and the same was being followed by SSC. The Chairperson SSC, while accepting that huge delay has occurred on the part of the office of Regional Director, SSC Chennai in taking action on the recommendation of the Commissioner; Central Excise Chennai also informed that no decision in the matter had been communicated to the Commissioner, Central Excise, Chennai. The Chairman SSC also expressed his sympathy for the petitioner who belongs to downtrodden section of the society and very few of them were able to reach at the success under the present circumstances.

Observation and findings of Commission

7. The Commission observed that the rules and instructions are framed to streamline a procedure and to ensure that no undue advantage was taken by the concerned individuals. However, exceptions are always there and relaxations on the basis of the exceptional circumstances are also granted by the competent authorities, provided the matter is brought to their notice. In the present case the joining time is normally allowed to all candidates up to six month from the date of issue of appointment offer and the candidate had sought extension for 12 days only. Keeping in view the background of the ST candidates and the distance he had to travel in joining at Chennai from his hometown in Rajasthan and also in view of the circumstances which were beyond the control of the candidate (petitioner) the matter could have been promptly taken up by the concerned authorities and in turn the SSC could have sought concurrence of Department of Personnel and Training for relaxation in joining time prescribed by their order, which permitted extension of joining time on grounds beyond the control of the candidate and on the recommendation of the appointing authority. It was regretted



रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

that a small matter relating to extension of joining time for 12 days only has taken about 12 months for taking a decision. This huge delay, which is not due to any short coming on the part of the petitioner, is certainly going to affect the career of the ST candidate for no fault on his part.

Recommendation of Commission

8. The Commission therefore, recommended that SSC may promptly take up the matter with DoPT and obtain approval for extension of joining time as a special case and forward the approval to the Commissioner, Central Excise, Chennai for further necessary action in ensuring early joining by the selected ST candidate. The Chairman SSC agreed to the recommendation and assured that the matter will be promptly recommended to the Department of Personnel and Training.

9. The SSC and the Commissioner Central Excise Chennai may submit to the Commission, the information about action taken and results achieved along with copies of orders issued by various authorities in the matter within 30 days.



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Attendance Sheet

Date: 25/05/2015 at 1500 Hours

The Sitting held by Shri Ravi Thakur, Vice Chairperson, NCST with Staff Selection Commission on 25.5.2015 in the case of Shri Hari Shankar Meena, on his request for extension of time for joining as Inspector in Central Board of Excise and Customs.

National Commission for Scheduled Tribes

1. Shri Ravi Thakur, Hon'ble Vice-Chairperson (In-Chair)
2. Shri N. Balasubramanian, Research Officer,
3. Shri R. C. Durga, Consultant

Staff Selection Commission

1. Shri A Bhattacharya, Chairman
2. Shri Sanjay Vikram Singh, Member,
3. Shri Gopinath Nayak, Under Secretary