

By Speed Post



**Government of India
National Commission for Scheduled Tribes**

**6th floor, 'B' Wing, Loknayak Bhawan
Khan market, New Delhi-110 003.**

File No. 272/1/2009/MWTR1/SEPROM/RU-I

Dated: 3 / 10/2013

To

The Chief Executive Officer
Delhi Jal Board,
Varunalaya, Phase-II, Jhandewalan,
New Delhi-110055

Sub: Representation dated 29/08/2013 from Shri S.K. Meena, Joint Director, Delhi Jal Board regarding promotion.

Madam,

I am directed to refer to this Commission's letter of even number dated 18/10/2013 on the subject mentioned above and to forward herewith a copy of record of proceedings of the Sitting taken by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST on 23/10/2013 in the NCST with the officers of Delhi Jal Board.

It is requested that action taken report on the points raised in the record of proceedings of the Sitting may please be sent to this Commission at the earliest.

Yours faithfully,


(M.S. Chopra)
Director

Copy forwarded for information/necessary action to :-

1. Shri S.K. Meena, Joint Director, Delhi Jal Board, Room No. 212, Varunalaya Building, New Delhi.

NOO

Copy to:-

1. PS to Chairperson, NCST
2. AD (Coord)
3. SSA NIC


(M.S. Chopra)
Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F.No. 272/1/2009/MWTR1/SEPROM/RU-I

Record of Proceedings of the Sitting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 23/10/2013 at 1200 Hrs in the Commission with the CEO, Delhi Jal Board, on the representation of Shri S.K. Meena, Adhoc Joint Director, Delhi Jal Board regarding fixation of seniority for his promotion.

1. A Sitting was held in the National Commission for Scheduled Tribes on 23/10/2013 with the CEO, Delhi Jal Board, on the representation of Shri S.K. Meena, Adhoc Joint Director, Delhi Jal Board regarding fixation of seniority for his promotion to the post of AC/DDR.

2. The Sitting was chaired by Dr. Rameshwar Oraon, Chairperson, NCST. The list of the participants is attached.

3. At the outset, the Chairperson, NCST welcomed the CEO, Member and other officials of the Delhi Jal Board and asked the petitioner Shri S.K. Meena to explain his grievance. Shri S.K. Meena submitted that initially he was appointed as AO/ZRO on 15/01/1990 in Delhi Jal Board. He was due for promotion for the post of AC/DDR in 1998 but he was promoted against the vacancy for the year 2001-02 and his junior was shown promoted in the year 1998-99. Consequently, his promotion for the post of Joint Director was also delayed. He submitted many representations to Delhi Jal Board for a review DPC for promotion to AC/DDR as well as immediate DPC Meeting for promotion to the post of Joint Director but no action has been taken by the DJB as yet. Thereafter, he approached the Commission to intervene in the matter. A Sitting on the issue was also held by the Chairperson, NCST with the CEO, Delhi Jal Board on 10/06/2011. The Commission had observed that Shri S.K. Meena became eligible for promotion in January, 1998 after completion of 8 years regular service as AC/DDR and 9 new posts of DDR were created in February 1998 in DJB. Had the DPC been conducted in time, Shri Meena could have been promoted in 1998-99 but the DPC was convened in 2001-02. The Commission in its earlier Sitting dated 10/06/2011 had also observed 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. The DJB officials had mentioned in the Sitting that the following two issues were required to be consulted with the DoPT and UPSC to settle the issue:-


- (a) whether backlog ST point from vacancy based Roster can be operated after implementation of post based Roster, if the ST representation is not adequate.
- (b) in case non timely 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 development.

4. Shri S.K. Meena petitioner further submitted that in the earlier Sitting with the Commission the DJB officials had also mentioned that a case for seeking clarification from UPSC and DoPT will be taken up within 15 days and in case no response or clarification, the case will be decided as per the recommendation of the Commission. He further submitted that, as per the Supreme Court order in the case of R.K. Sabbarwal V/s State of Punjab as well as J.C. Mallick V/s Ministry of Railways, the vacancy based Rosters can be operated only till such time as the representation of persons belonging to the reserved categories, in the cadre, reaches the prescribed percentages of reservation.

5. The CEO, Delhi Jal Board submitted that there is no discrepancy in the seniority list as it is based on the rota quota as per the RRs of the AC/DDR. No general category candidate was promoted to the post of AC/DDR on regular basis earlier than Shri S.K. Meena. However, some promotions were made to the post of AC/DDR on adhoc basis in 1998 earlier than Shri S.K. Meena since Shri Meena was not clear from the vigilance angle. On being cleared from vigilance angle, the officer was promoted to the post of AC/DDR on adhoc basis on 22/06/1999. The Post based Roster (PBR) was implemented in 1997 in place of vacancy based Roster. There was a need of clarification in operating the earlier backlog vacancies after implementation of the Post based Roster. A clarification in this regard was sought by DJB from the Director (Establishment), Department of Personnel and Training vide letter No. DJB/AC(D)/AC/DDR/2011/84548 dated 29/07/2011 and subsequent reminders dated 21/09/2012, 06/11/2012, 15/01/2013 and 24/09/2013. However, no clarification has been received from the DoPT as yet.

7. Chairperson, NCST observed that the grievance of the petitioner is pending for a long time. The DJB might have sought clarification from the DoPT, which is pending for a long time. Chairperson, NCST advised that DoPT should be approached to issue clarification on the points raised in Delhi Jal Board letter No. DJB/AC(D)/AC/DDR/2011/84548 dated 29/07/2011 within 7 days. A copy of the Proceedings of the Sitting should also be forwarded to them for issuing necessary clarification on the issue **within the stipulated period**. In case, no clarification is received from the DoPT, the officials of the DoPT may also be called in the Commission for clarification on the subject.

The Sitting ended with a vote of thanks to the Chair.


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No.272/1/2009/MWTR1/SEPROM/RU-I

Attendance Sheet

Date: 23/10/2013 at 1200 Hours

Sitting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 23/10/2013 at 1200 Hrs in the Commission with the CEO, Delhi Jal Board, on the representation of Shri S.K. Meena, Adhoc Joint Director, Delhi Jal Board regarding fixation of seniority for his promotion to the post of AC/DDR.

National Commission for Scheduled Tribes

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Shri Aditya Mishra, Joint Secretary
3. Shri M.S. Chopra, Director
4. Shri T.D. Kukreja, PS to Chairperson

Delhi Jal Board

1. Ms. Debashree Mukerjee, CEO
2. Shri Huzar Lollen, Member(A)
3. Shri U.B. Tripathi, Director(A&P)
4. Shri Amit Kumar Jain, AC(D)

Petitioner

1. Shri S.K. Meena