



Government of India
National Commission for Scheduled Tribes

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

File No. RCM/1/2017/MPPP1/SEPROM/RU-I

Date: 9/05/2018

To

The Secretary,
Department of Personnel & Training,
North Block,
New Delhi – 110001.

Sub: Representation dated 27/09/2017 received from Shri R. C. Meena, Deputy Director (US), Dte of CPWD regarding request for promotion from the post of Under Secretary to Deputy Secretary in lieu of implementation of judgement of Hon'ble Supreme Court in Civil Appeal Nos 6046-6047 titled 'Rohtas Bhankar vs. UOI' - Modification of result of SO LDCE-1996 - consequential benefits.

Sir,

I am directed to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 16/03/2018 on the above mentioned subject for necessary action. Action Taken Report in this regard may be submitted to the Commission expeditiously.

Encl: as above.

Yours faithfully,

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640

Copy to:

Shri R. C. Meena,
Deputy Director (US),
Dte of CPWD, M/o UD,
Nirman Bhavan,
New Delhi.

Copy for information to:

✓ NIC (for hosting on Commission's website)

Minutes of sitting held in the Commission on 16/03/2018 at 02:00 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, NCST in the matter of Shri R. C. Meena, Deputy Director (US), Dte of CPWD regarding request for promotion from the post of Under Secretary to Deputy Secretary in lieu of implementation of judgement of Hon'ble Supreme Court in Civil Appeal Nos 6046-6047 titled 'Rohtas Bhankar vs. UOI' - Modification of result of SO LDCE-1996 - consequential benefits.

List of participants placed at annexure A.

Representation dated 27/09/2017 received from Shri R. C. Meena, Deputy Director (US), Dte of CPWD regarding request for promotion from the post of Under Secretary to Deputy Secretary in lieu of implementation of judgement of Hon'ble Supreme Court in Civil Appeal Nos 6046-6047 titled 'Rohtas Bhankar vs. UOI' - Modification of result of SO LDCE-1996 - consequential benefits.

The matter was taken up with the Secretary, DoPT vide this Commission's letter dated 30/11/2017 for report. The DoPT vide their letter dated 10/11/2017 informed to the Commission that matter of promotion of Shri R. C. Meena to the post of Deputy Secretary is under examination. The copy of above reply was forwarded to Shri R. C. Meena for his information. In this connection he has submitted a rejoinder dated 01/02/2018 to the Commission.

The Hon'ble Chairman, NCST has also desired to discuss the matter with the Secretary, DoPT on 23/02/2018 at 4:00 P.M. with the case file No. MG/1/2017/MPPP1/SEOTH/RU-I. Accordingly, a sitting notice has been issued to the concerned. The scheduled sitting on 23/02/2018 has been postponed and further fixed on 16/03/2018 at 2:00 P.M. Accordingly, a sitting notice has been issued.

Discussion:

Shri Vijay Kumar Singh, Joint Secretary (CS), and Ms. Rajul Bhatt, Director (CS), DoPT appeared before the Commission on the day of sitting 16/03/2018. The petitioner was also present in the sitting. The matter was discussed in detail. The Hon'ble Chairperson told the petitioner to explain his grievances.

Shri R.C. Meena, petitioner submitted to the Commission that appeared in the Limited Departmental Section Officer Exams in 1996 but due to issue of an Order dated 22/07/1997 regarding withdrawn of the relaxation of qualifying marks in the exam, he could not get the benefit of relaxation of marks for reserve category. Hence, he could not qualify the exam. Thereafter he had filed an appeal in the CATs, Delhi and finally went in the Constitutional Bench of the Hon'ble Supreme Court of India alongwith some other candidates. The Hon'ble Supreme Court of India has decided the case on 15/07/2014 wherein mentioned in Order that the impugned order is set-aside and 1997 O.M. is declared illegal. The respondents are directed to modify the results in the Section Officer/Stenographers (Grade B / Grade -I) Limited Departmental Competitive Examination, 1996 by providing for reservation and extend all consequential reliefs to the appellants, if not granted so far. Accordingly, his name included

in the selection list of Under Secretary in 2006 by the DoPT. Shri R. C. Meena stated that he has not been promoted to the post of Deputy Secretary till date even when his junior was promoted to the post of Deputy Secretary.

The Hon'ble Chairperson asked Joint Secretary, DoPT to explain the case of Shri R. C. Meena. The Joint Secretary, DoPT submitted to the Commission that Shri Meena is eligible for promotion to the post of Deputy Secretary and he being one of the beneficiaries has been interpolated in the USSSL-2006 instead of the earliest USSSL-2007.

After hearing both the side the Commission observed that Shri R. C. Meena is eligible to be promoted to the post of Deputy Secretary as per selection list of Under Secretary, 2006 in the line of Judgement dated 15/07/2014 of the Supreme Court of India. Therefore, the Commission advised the DoPT that the case of Shri R. C. Meena may be considered for promotion to the post of Deputy Secretary alongwith all consequential benefits.

Action Taken Report in the matter may be furnished to this Commission expeditiously.

759 11.4.18
नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi