



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

**6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan Market, New Delhi-110 003.**

File No. TRM/4/2017/STGDH/SEPPROM/RU-I

Date: 24/05/2018

To

The Secretary,  
Department of Personnel & Training,  
Ministry of Personnel, Public Grievances and Pensions,  
North Block,  
New Delhi – 110001.

**Sub:** Representation dated 07/12/2017 received from Shri T. R. Meena, General Secretary, Joint SC/ST Teachers Front Delhi, C/o H-19/40, Sector-7, Rohini, Delhi-110085 regarding request for withdrawn of O.M. dated 30/11/2017 of the Services Department, Govt. of NCT of Delhi in respect of Action Plan for filling up of all the vacant posts under promotional quota in the Govt. of NCT of Delhi.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 16/03/2018 at 3:00 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST.

Encl: As above.

Yours faithfully,

  
(Rajeshwar Kumar)  
Assistant Director  
Tel: 24641640.

Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. NIC (for hosting on Commission's website)


Minutes of sitting held in the Commission on 16/03/2018 at 3:00 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Shri T. R. Meena, General Secretary, Joint SC/ST Teachers Front Delhi, C/o H-19/40, Sector-7, Rohini, Delhi-110085 regarding request for withdrawn of O.M. dated 30/11/2017 of the Services Department, Govt. of NCT of Delhi in respect of Action Plan for filling up of all the vacant posts under promotional quota in the Govt. of NCT of Delhi.

List of participants placed at annexure A.

Representation dated 07/12/2017 received from Shri T. R. Meena, General Secretary, Joint SC/ST Teachers Front Delhi, C/o H-19/40, Sector-7, Rohini, Delhi-110085 regarding request to withdrawn O.M. dated 30/11/2017 of the Services Department, Govt. of NCT of Delhi in respect of promotional quota in the Govt. of NCT of Delhi.

The matter was taken up with the Chief Secretary, Govt. of NCT of Delhi and Principal Secretary, Directorate of Education, NCT of Delhi vide the Commission's letter dated 02/01/2018. In response to the Commission's above letter, the Service Department, Govt. of NCT of Delhi replied vide their letter dated 13/02/2018 that as per judgement dated 23/08/2017 of the Hon'ble High Court of Delhi in Writ Petition No. 3490/2010 filed by All India Equality Forum, the said O.M. has been issued.

Hon'ble Chairman, NCST has fixed a sitting with the Chief Secretary, Govt. of NCT of Delhi and Principal Secretary, Directorate of Education, Govt. of NCT of Delhi on 14/03/2018 at 12:00 Noon. The Special Secretary, Services Department and Principal Secretary, Directorate of Education, Govt. of NCT of Delhi appeared before the Commission on 14/03/2018 and submitted to the Commission that O.M. dated 30/11/2017 issued in compliance of the judgement dated 23/08/2017 of the Hon'ble High Court of Delhi in the WP (C) No. 3490/2010 filed by All India Equality Forum. Later on Shri Meena and other petitioners called on Hon'ble Chairperson, NCST and stated that the statements made by Special Secretary, Services Department as well as Principal Secretary, Education are not based on facts in the matter. After hearing the petitioners Hon'ble Chairperson decided to hold another sitting in the matter. After hearing the Officials of Govt. of NCT of Delhi, the Hon'ble Chairman, NCST has decided to call the Secretary, DoPT for discussion on the issue on 16/03/2018 at 3:00 P.M. Minutes of sitting held on 14/03/2018 has been issued to the concerned authorities.

  
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




**Discussion:**

Shri G. D. Tripathi, Joint Secretary, DoPT, Govt. of India and Shri Raju Sarawath, Under Secretary appeared before the Commission on 16/03/2018 at 3:00 P.M. The matter discussed in detail.

The Joint Secretary, DoPT submitted to the Commission that DoPT and GNCTD are Respondents in the WP (C) No. 3490/2010 filed by All India Equality Forum in the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi, reservation in promotion for SC/ST has been quashed vide their judgement dated 23/08/2017. Accordingly, Govt. of Delhi has issued the above O.M. dated 30/11/2017 after approval of Lieutenant Governor of Delhi.

The Joint Secretary, DoPT submitted to the Commission that a SLP has been filed in the Supreme Court of India for stay of judgement dated 23/08/2017 of Hon'ble High Court of Delhi but stay has not granted yet. The DoPT is continuing pursuing the case in the Supreme Court of India through advice of Attorney General of India and Ministry of Law and Justice.

The Commission observed that the issue of reservation in promotions for SC/ST is an important matter. Therefore, the Commission advised the DoPT that Special Efforts may be taken for obtaining a stay on judgement of Hon'ble High Court of Delhi.

  
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

List of participants

Sr. No.	Name and Designation
<b>I</b>	<b><u>National Commission for Scheduled Tribes</u></b>
1.	Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2.	Shri Raghav Chandra, Secretary
3.	Shri Sisir Ratho, Joint Secretary
4.	Shri P.T. Jameskutty, Deputy Secretary
5.	Shri H. R. Meena, Senior Investigator
<b>II</b>	<b><u>Department of Personnel &amp; Training, Ministry of Personnel, Public Grievances and Pension</u></b>
1.	Shri G. D. Tripathi, Joint Secretary
2.	Shri Raju Saraswat, Under Secretary