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भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

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

File No. SM/1/2016/STGDH/SEOTH/RU-I

Dated: 22/10/2018

To

The Commissioner of Police,
Delhi Police,
Police Headquarters,
I.P. Estate,
New Delhi – 110002.
Email: cp.amulyapatnaik@delhipolice.gov.in

Sub: Representation dated nil received from Shri Shyoraj Meena, R/o P. No. 23, Street No. 8A, near St. Thomas School, Goyla Vihar-II, Najafgarh, New Delhi regarding to re-instate him in Delhi Police.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held on 27.09.2018 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 at the earliest.

Yours faithfully,

(Rajeshwar Kumar)

सहायक निदेशक

Tel: 011-24641640.

Copy to:

Shri Shyoraj Meena,
C/o Prakash Tailor,
Near Madina Masjid,
Goyla Vihar, Goyla Dairy, Najafgarh,
New Delhi – 110071.

Copy for information to:

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

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Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

F. No. SM/1/2016/STGDH/SEOTH/RU-I

Minutes of the sitting held on 27/09/2018 at 3:00 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Shri Shyoraj Meena, Ex- PSI, Delhi Police (R/o P. No. 23, Street No. 8A, near St. Thomas School, Goyla Vihar-II, Najafgarh, New Delhi) regarding re-instate him in Delhi Police.

List of participants is annexed.

Shri Shyoraj Meena, vide representation dated 26.02.2016 has furnished the detail in his case and requested to consider the matter sympathetically and direct the Commissioner of Police, Delhi to review the matter and re-instate him in Delhi Police. The NCST vide communication dated 08.03.2016 has referred the matter to Commissioner of Police for facts and comments. The satisfactory reply was not received from the Delhi Police. Therefore, NCST discussed the issue with the officers of Delhi Police and the petitioner in a sitting convened on 29.08.2016 under the Chairmanship of the then Vice-Chairperson, National Commission for Scheduled Tribes. In the sitting held on 29.08.2016, after hearing both the parties, NCST advised the Commissioner of Police, Delhi to:

- (i) Forward the original files in which it has been decided to retest in the case of other two trainees namely PSI Kishor Prasad and PSI Vipin Kumar and also in the case of the applicant Shri Shyoraj Meena.
- (ii) All the answer sheets of the applicant Shri Shyoraj Meena may be got evaluated by an outside person, preferably by an officer of Ministry of Home Affairs/ CBI, including the answer crossed by somebody as alleged by the applicant; and
- (iii) He should be given one more chance to attend the examination after these two exercise are completed, if he doesn't pass the test.

In response suggestions / recommendations of sitting dated 29/08/2016, the Commissioner of Police, Delhi vide letter No. 16338/CR-III/PHQ dated 30/11/2017 has furnished the facts, and stated that:

"The applicant has already availed all the opportunities as per Rules, he is not entitled for another chance to attend the examination. Moreover, there is also no provision under any of the rules / SO to allow an ex-Policeman, who is not a member of Delhi Police to re-appear in an examination / re-test in failed papers.

The Hon'ble High Court, Delhi in WP(C) No. 7463/15 vide judgement dated 07/08/2015 has disposed of the case, with direction to consider the representation (of Shri Shyoraj Meena) sympathetically and in accordance with the law within a period of four weeks of the receipt of the representation. In pursuance of order of the Court, Shri Shyoraj Meena vide representation dated 20/08/2015 has requested the Delhi Police Commissioner to re-consider his case. The then Commissioner of Delhi Police vide order No. 14357/CR-III/PHQ dated 15/09/2015 has passed the final order and rejected his application and not agreed to re-instate in service."

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

The petitioner was not satisfied with the facts and comments furnished by the Delhi Police and again requested for justice. Therefore, Hon'ble Chairperson, NCST fixed the sitting on 27.09.2018 to discuss the issue with the Commissioner of Police and the petitioner to resolve the issue. The Commissioner of Police deputed the Joint Commissioner of Police, Training and the Principal, Police Training College, Jharoda, New Delhi to appear before the Commission.

The Hon'ble Chairperson, asked the petitioner to explain the grievance. The petitioner informed that officials of Delhi Police knowingly harassing him, since his answer-sheet had not been checked properly by the examiner. Therefore, there is no question to appear in re-test conducted by Police Training College. To assess the facts regarding crossed put in the answer-sheet in reply of the question No. 3(J), 6 and 8 to be called from Delhi Police.

The Hon'ble Chairperson, NCST asked the representatives of Delhi Police to explain the facts and action taken by Delhi Police in the matter. The Joint Commissioner of Police, Training endorsed the comments and action taken by the Police vide letter dated 30.11.2017 and stated that at this juncture there is no action pending on behalf of Delhi Police.

After discussions with the representatives of Delhi Police, Commission recommended that the Delhi Police should submit the following information to the NCST within a month. After that the NCST will decide to convene a meeting with the examiner to assess the reality in respect of the cross put by someone or the petitioner in the answer-sheet for the paper titled "Police Science – II Forensic Science" of the petitioner.

- (i) The name and postal address of the examiner, who checked the answer-sheet for the paper titled "Police Science – II Forensic Science" of Shri Shyoraj Meena.
- (ii) Original answer-sheet of Shri Shyoraj Meena be provided by Delhi Police to the NCST in the meeting with examiner be convened by the NCST.


18.10.18

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

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

(File No. SM/1/2016/STGDH/SEOTH/RU-I)

Sub: Sitting held on 27/09/2018 at 3:00 P.M. in the case of Shri Shyoraj Meena, R/o P. No. 23, Street No. 8A, near St. Thomas School, Goyla Vihar-II, Najafgarh, New Delhi regarding to re-instate him in Delhi Police.

List of participants:

I National Commission for Scheduled Tribes

1. Shri Nand Kumar Sai, Hon'ble Chairperson
2. Shri H. K. Damor, Member
3. Shri H. C. Vasava, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri Sisir Kumar Rathao, Joint Secretary
6. Shri P. T. Jameskutty, Deputy Secretary
7. Shri Rajeshwar Kumar, Assistant Director
8. Shri R. S. Misra, Senior Investigator

(In chair)

II Delhi Police

1. Shri K. Jegadesan, Joint Commissioner of Police Training
2. Shri Michi Paku, Principal, Police Training College Delhi Police
3. Ms. Suman Nalwa, Deputy Commissioner of Police, Training

III Petitioner

1. Shri Shyoraj Meena