



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. SHR/4/2013/MDEF2/SEPPROM/RU-IV

Dated: 13.11.2018

To,

1. **The Engineer-in-Chief,**  
Military Engineering Services,  
Engineer-in-Chief's Branch,  
Integrated HQ of MoD (Army),  
Kashmir House,  
New Delhi – 110 011.
2. **The Director General (Pers),**  
E1 (DPC), Military Engineer Services,  
Engineer-in-Chief's Branch,  
Integrated HQ of MoD (Army),  
New Delhi.

**Sub: Proceedings of the sitting taken by Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 30.10.2018 in the matter of Shri S. Hemanth Raju, JE (Civil) and others Military Engineer Services regarding denial of promotion from JE (Civil) to AE (Civil) and non conduction of DPC for promotion.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held before Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on 30.10.2018 on the above mentioned subject for necessary action at your end and submission of action taken report on the Commission's recommendations within 30 days from the receipt of this letter positively for placing the same before the Hon'ble Vice-Chairperson.

Yours faithfully,

*(Y.K. Bansal)*  
12/11/18  
Research Officer

9473-78  
19/11/18  
जायी किया  
ISSUED

Encl: As above

Copy to:-

1. Shri. S. Hemanth Raju, JE (Civil),  
O/o Asst Garrison Engineer (B/R) R&D,  
Military Engineering Services (MES),  
Naval Materials Research Lab (NMRL),  
Ambarnath – 421 506  
District –Thane. (Maharashtra)
2. Shri Sumer Singh Meena, JE (Civil),  
O/o the Assistant Garrison Engineer (B/R) South,  
Military Engineering Services (MES),  
Queens Road, Jaipur Cantt.,  
Jaipur – 302 012 (Rajasthan).
3. Shri Jeet Singh Meena, JE (Civil),  
O/o the Assistant Garrison Engineer  
Bharatpur,  
Military Engineering Services (MES),  
Kanjoli Lines,  
Bharatpur – 321 001 (Rajasthan).
4. Shri Sunil Tok, JE (Civil),  
O/o the GE 859 EWS,  
Tenga Valley,  
Military Engineers Services (MES),  
District – West Kameng,  
(Arunachal Pradesh).

*Ram  
Jdey  
13/11/18*

*(Signature)*

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Case File No. SHR/4/2013/MDEF2/SEPPROM/RU-IV

PROCEEDINGS OF SITTING HELD ON 30.10.2018 AT 01.30 P.M. CHAIRED BY MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI HEMANTH RAJU. S AND OTHERS, MILITARY ENGINEERING SERVICE REGARDING DENIAL OF PROMOTION FROM JE(CIVIL) TO AE (CIVIL) AND NON CONDUCTION OF DPC FOR PROMOTION.

Date of Sitting: 30.10.2018

List of officers present in sitting is Annexed.

The petitioner Shri Hemanth Raju and others, Military Engineering Service vide his representation dated 29.05.2018 has submitted grievances regarding denial of promotion from JE(Civil) to AE (Civil) and non conduction of DPC for promotion. They alleged that the Department has a number of reserved ST vacancies w.e.f. the year 2002 and despite eligible and available of ST candidates, the promotions could not be given to them. In addition, the DoPT vide its O.M. dated 30.04.1983 and further circulars have issued instructions/direction to the Ministry concerned to consider the promotion of eligible ST candidates against unfilled reserved vacancies immediately. However, the Ministry of Defence has failed to adhere/comply the orders of DoPT by granting of promotion to the ST candidates despite having availability of ST vacancies.

Recently, the Hon'ble Supreme Court vide its judgment dated 17.05.2018 has held that the Union of India may take steps of promotions from reserved to reserved and unreserved to unreserved and also in the matter of promotion on merits. Hence, the promotions of Scheduled Tribes eligible candidates should be considered. However, the same has not considered by the Ministry of Defence.

2. As per procedure, the case was taken up with the Director General (Pers), Military Engineering Services, Ministry of Defence and a report was called for. In turn, the Ministry of Defence vide its letter dated 25.07.2018 has informed the facts of the case to the Commission that based on recent Hon'ble Supreme Court judgments and O.M. No. 36012/11/2016-Estt(Res-1) (Pt-II) dated 15 Jun 2018, it has been decided to conduct regular DPC. Regular DPCs are conducted based on O.M. No. 22011/5/86 Estt(D) dated 10 Apr 1989 and subsequent amendments where SC/ST candidates in the extended zone of consideration are only eligible for promotion.

Consequent to 3<sup>rd</sup> Cadre review of JEs vide letter No. B/75019/JEs CR/CSCC/28(4)/ 2016/D(Works-II) dated 11 Apr 2018, 1075 posts of AEs have been increased. The individuals are now coming in zone of consideration. DPC process

*Anusuiya*  
सुश्री अनुसुईया उईके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

for the Cadre review post has been initiated, hence will be promoted once DPC is completed and declassified, if meeting the requirement for promotion.

3. Since, the report of the Department concerned was not convincing and therefore, a Sitting was fixed before the Hon'ble Vice-Chairperson, NCST on 30.10.2018.

4. During the Sitting, the Director (DPC), MES, Ministry of Defence, the Deputy Director, MES (HQ), Ministry of Defence and the petitioners appeared before the Commission. The officers of Ministry of Defence has also submitted exemption letter of personal appearance of the Director General (Pers) and Engineering-in-Chief, MES, Ministry of Defence and the same was taken into record.

5. In Sitting, the petitioner was stated that 28 ST vacancies in AE (Civil Cadre) were not filled up since, 2002 despite making several representations to the higher authorities in the Department. The petitioners are having all requisite eligibility criteria, but they were not considered for promotion. On other hand, the promotions of general category officers and some of junior officers were considered and promoted. Recently, in August, 2018 the Department had conducted DPC for consideration for promotion of 22 vacancies for the post of AE(Civil) and out of which only 2 ST candidates were considered for promotion. Here it is pointed out that consequent upon third Cadre review of JEs vide order dated 11.04.2018, 1075 posts of AE have been increased. Against these posts, the Department has conducted DPC for 22 vacancies to deprive the promotion of eligible ST candidates. Due to this, the junior general category officers became seniors from them. If had the Department conducted DPC for all the available vacancies, in August, 2018, then all ST candidates including petitioners will be promoted along with general category candidates. This shows deprivation of rights of promotion to the ST officers. Hence, the Department should be directed to conduct review DPC for consideration of promotion of STs at par with promotions made in others in 2018.

6. The Director (DPC), MES, Ministry of Defence was stated that eligibility criteria for promotion from JE to AE is for 10 years regular service for Diploma holders and 6 year regular service for Degree holders. Shri Hemanth Raju has completed his degree in the year 2014. In the year 2015-16, there were only 47 vacancies and name of the applicant in the list of JE was listed at Sl. No. 672. As per rules "Extended zone of consideration" is five times the number of vacancies available for promotion. The candidates were considered up to Sl. No. 235. Thus, Shri Hemanth Raju was not covered for the promotion in the year 2015-16, hence, Shri Hemanth Raju could not promoted from JE to AE. However, the petitioners have raised grievances regarding to conduct an adhoc DPC for the promotion from JE(Civ) to AE (Civ) against unfilled vacancies of vacancy year 2018 (22 Nos.). The adhoc DPC for promotion in case SC/ST is governed by the DoPT OM No. 36012/27/2000/Estt-(Res) dated 15 March

2002 & 36011/14/83-Estt (SCT) dated 30 April, 1983 to be conducted in exceptional circumstances when department is not able to conduct regular DPC. Promotion for these 22 Nos vacancies could not be made as none of the eligible STs candidates were coming in the extended zone of consideration (5 times the numbers of vacancies) which resulted in carry over vacancy to the next or subsequent DPCs. It is pertinent to mention here that regular DPC for 476 posts of AE (Civ) under cadre review vacancies is already in advance stage and all the applicants are being considered for promotions. It is confirmed that all the eligible ST candidates are likely to be promoted. The said DPC will be completed by 30 November, 2018.


7. The case was discussed in detail. The Commission observed that it is a serious matter wherein despite available of eligible ST candidates, and availability of ST vacancies, the promotions of petitioners could not be effected for want of non coming in the zone of consideration. The Commission felt that the petitioners were deprived from promotion during the DPC held in August, 2018. Actually, consequent upon third cadre restructuring of Junior Engineers (Civil) vide order dated 11.04.2018, 1075 posts of Assistant Engineers (Civil) have increased. But, the Department has conducted DPC for consideration of promotion for AE (Civil) only for 22 posts and due to which, only 2 ST candidates could get promotion. The Director (DPC), in the office of the Engineer-in-chief branch has accepted before the Commission that the Department was having about 500 vacancies and out of which all eligible ST candidates including petitioners could have been promoted in the DPC held August, 2018. The Department's contention to conduct further DPC in the month of November, 2018 is not justified step and to cover the administrative delays.

8. The Commission therefore, recommends that:

- The Director General (Pers), MES, Ministry of Defence and Engineer-in-chief, MES, Ministry of Defence should immediately conduct review DPC for the vacancy year 2017-18 to consider the promotions of all eligible Scheduled Tribe candidates including petitioners for promotions to the post of Assistant Engineer (Civil) w.e.f August, 2018 at par with promotions made of other candidates.
- A copy of the promotion orders of the ST employees including petitioners should be made available to the Commission.

9. An action taken report in the matter should be submitted before the Commission within 30 days from the receipt of the proceedings of the Sitting.

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सुश्री अनुसुईया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. SHR/4/2013/MDEF2/SEPROM/RU-IV)

**List of participants**

**NCST**

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri S.K. Ratho, Joint Secretary
3. Shri P.T. Jameskutty, Deputy Secretary
4. Shri Y.K. Bansal, Research Officer
5. Shri H.R. Meena, Sr. Investigator

**Officers of Ministry of Defence**

1. Shri. S.K. Chowdhary, Director (DPC)
2. Shri V.S. Bhartiya, Deputy Director

**Petitioners**

1. Shri S. Hemanth Raju
2. Shri Sumer Sigh Meena
3. Shri Jeet Singh Meena
4. Shri Sunil Tok