



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated ... 12-04-2019

File No. HK/5/2017/STGDH/SEHRMT/RU-I

To,

1. The Secretary
Department of Power
Govt. of NCT Delhi,
8th Floor, B Wing,
Delhi Secretariat, I.P. Estate
New Delhi-110002
Tel: 011-23392047
Fax: 011-23392023

2. The Chairman
Delhi Transco Ltd.,
Govt. of NCT Delhi,
Shakti Sadan, Kotla Marg,
New Delhi-110002
Tel: 011-23231748
Tel: 011-23234640

Sub: Representation dated 14/12/2017 received from Shri Hemant Kumar R/o Flat No. 247, Sanskriti Apartment, Sector-19-B, Dwarka, New Delhi-110075 regarding discrimination of ST candidate under ST category post in Delhi Transco Ltd.

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 08/04/2019 at 12:30 Hrs under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes in the matter.

It is requested that action taken on the suggestions/recommendation of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Rajeshvar Kumar)
Assistant Director
Tel: 011-24641640

Copy for necessary action:

The Joint Secretary, (Estt. (D))
North Block, New Delhi-110001
Tel: 23094276, Fax: 23092869

Copy to: Shri Hemant Kumar, R/O Flat No. 247, Sanskriti Apartment, Sector-19-B, Dwarka, New Delhi-110075

Govt. of India

National commission for Scheduled Tribes

File No. HK/5/2017/STGDH/SEHRMT/RU-1

Minutes of sitting held in the commission on 08.04.2019 at 12.30 PM, Under the chairmanship of Ms.Anusuiya Uikey, Hon'ble, Vice Chairperson, NCST in case of Sh.Hemant Kumar, R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi 110075 regarding discrimination of ST candidates under ST category posts in Delhi Transco Ltd.

List of Participant in annexed.

Shri Hemant Kumar, (R/o Flat 247, Sanskriti Apartments, Sector 19-B Dwarka, New Delhi) vide representation dated 14/12/2017 has alleged that Delhi Transco Limited had violated the DoPT OM no. 36020/2/2007-Esstt (Res.) dt 07.12.2009 by De-reserving the approved ST vacancies during the recruitment of Asst. Manager(Tech) in year 2006 and hampered the interest of ST candidate by placing him below the subsequently selected candidates in the seniority list which is violation of DoPT OM no. 20011/1/2008- Esstt (D) dt. 11.11.2010.

NCST took the matter with Delhi Transco Ltd. and Department of Power,GNCTD for facts and comments in the matter. DTL and Department of Power, GNCTD submitted the reply, the petitioner was not satisfied with the reply submitted by the Ministry of Power, GNCTD & Delhi Transco Ltd. Hon'ble Vice-Chairperson, NCST, convened a sitting on 20.08.2018 and recommended that DTL and MOP, GNCTD should forward the case files to DoP&T for examination of the issues and submission of clarification in the form of comments. DoP&T did not submit any clear comments on the issues, hence NSCT called a sitting on 15.01.2019 and recommended that DoP&T, Department of Power, GNCTD & DTL should take action on following points and submit report within 15 days of receipt of proceedings of sitting.

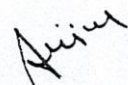

सुश्री अनुसुइया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India

1. **Seniority:** DTL received the recommendation of candidates three subsequent stages, First vide letter dt. 04.09.2006 (28 No. as advertised), Second dt. 12.09.2006 (2 No. additional) and third on dt. 26.09.2006. (1 No. additional). DoP&T is to examine the recruitment file pertaining to recruitment of Asst. Manager(T) in DTL in year 2006 in the matter of recruitment and subsequently fixing of inter-se seniority in light of OM 20011/1/2008-Esstt(D) dated 11.11.2010 and submit clear comments.
2. **De-Reservation:** DTL against its advertized 28 vacancies (13-Gen,6-OBC,6-ST,3-SC), recruited (15-Gen, 7-OBC, 4-ST & 3-SC) in recruitment year 2006. DoP&T is to examine the De-reservation of ST vacancies by DTL in recruitment year 2006 as per OM dt December 07, 2009 and submit the examination report of recruitment and filling of ST vacancies in the cadre of Asst. Manager (T) in DTL from recruitment year 2002 to 2018.
3. Petitioner may submit additional query/ observation to DoP&T with a copy endorsed to NCST.

The proceeding of sitting dated 15.01.2019 was sent to JS Esst.(D), DoP&T, JS (Reservation), DoP&T, Secretary Power, GNCTD and CMD, DTL for submission of action taken report vide letter dated 28.01.2019, same is endorsed to the petitioner. After passing of almost 2 Months when the reply is not received, Hon'ble Vice chairperson decided to convene the sitting on 08.04.2019 for discussion with the officer (s) of DoP&T, Department of Power, GNCTD, DTL and the petitioner to resolve the issue.

In the sitting dt. 08.04.2019, the Secretary, Department of Power, GNCTD Delhi seek relaxation from sitting, from DTL the GM (HR) and Dy. Manager (HR) attended the sitting, from DoP&T on behalf of Joint Secretary, Esstt. (D) Under Secretary, Esstt.(D) and on behalf of Joint Secretary (Reservation), Deputy Secretary (Res.) attended the sitting. The petitioner was also present in the sitting

Hon'ble Vice Chairperson asked the petitioner to brief the issues, petitioner explained that during the process of recruitment of Asst. Manager(T) in DTL in year 2006, DTL advertised 28 vacancies (13-Gen,6-OBC,6-ST,3-SC), but recruited (17-Gen, 7-OBC, 4-ST & 3-SC) during the process of recruitment two vacancies approved and reserved for ST category were De-reserved and filled by general category candidates without following the procedure laid in DoP&T OM dt.



सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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07.12.2009. Petitioner also explained that DTL received the recommendation of candidates through three subsequent selections, First vide letter dt. 04.09.2006 (28 No. as advertised)), Second dt. 12.09.2006 (2 No. additional) and third on dt. 26.09.2006. (1 No. additional), DTL violates the DoP&T OM No. 20011/1/2008-Esstt (D) dated 11.11.2010 while preparing the seniority list and placed the subsequently recommended candidates above the candidates of first selection list. He also added that as per DTL file records these additionally recommended candidates were neither demanded nor approved for recruitment in DTL.

Hon'ble Vice chairperson asked the representative of Reservation Division, DoP&T to submit the comments on De-reservation of ST vacancies in year 2006. Deputy Secretary (Res), DoP&T informed that reservation section has already examined the matter and the observations are already recorded. Further he added that there is a general ban on De-reservation of reserved category vacancies. During the recruitment process of Asst. Manager (T) in year 2006, DTL filled 2 out of 6 reserved ST category vacancies by General category candidates without following the DoP&T guidelines issued vide OM no. 36020/2/2007-Esstt (Res.) dt 07.12.2009. Hence DTL violates the DoP&T OM by De-reserving 2 Nos ST vacancies during the recruitment of Asst. Manager (T) in year 2006.

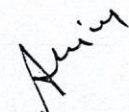
Further Hon'ble Vice chairperson asked the representative of Establishment Division, DoP&T to submit the comments on recruitment process of additional 3 candidates above advertised 28 and further fixing inter-se seniority under the light of DoP&T OM No. 20011/1/2008- Esstt (D) dt. 11.11.2010. Under secretary, Esstt (D), DoP&T referred a letter dt. 05.04.2019, wherein JS Esstt (D), DoP&T had requested two week time to examine the matter and furnish comments. Further he also referred a note where in Establishment division has asked for clarification on certain points from the concern department i.e. DTL.

Hon'ble Vice Chairperson shows displeasure that even after repeated directions neither Secretary Power, GNCTD nor JS, DoP&T had appeared before the Commission.


शुश्री 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

After discussions, the commission recommended that DoP&T and Dept. of power, GNCTD will submit the action taken report on the following points within a period of 20 Days from the date of sitting and attend the next sitting on 14.05.2019 at 02:00 PM.

1. After examination of recruitment files, Reservation Division, DoP&T had submitted its comments and confirmed during the sitting dt. 08.04.2019 that DTL has violated the DoP&T guidelines on De-reservation during the process for recruitment of Asst. Manager(T) in year 2006 and deprive the ST category candidates. Therefore NCST recommended that Secretary, Department of Power, GNCTD and DTL must restore the seniority of ST candidate Sh. Hemant Kumar above the two general category candidates recruited by De-reserving the ST vacancies during direct recruitment for year 2006. All the consequential benefits must be granted with retrospective effects, i.e. prior to the date of promotion of any of the above mentioned two general category candidates.
2. Secretary, Dept. of Power, GNCTD ensure to fill the 2 nos De-reserved ST vacancies during the recruitment process of year 2006. It is also recommended that no ST vacancy under Direct or promotional quota should be De-reserved, if required provisions laid in clause 35 of DoP&T Om no. 36011/6/2010-Estt(Res) dt. 25.06.2010 may be exercised for filling up the backlog of ST vacancies under promotional quota also.
3. Secretary, Dept. of Power, GNCTD ensures that year wise roster register from year 2002 till date is maintained in DTL, further necessary steps be taken to identify the ST category vacancies De-reserved since year 2002 and vacant/De-reserved ST vacancies must be filled immediately through special/regular recruitment process. Further Certified Copies of year wise roster registers, starting from year 2002 till date must be submit to the commission.
4. De-reservation of ST vacancies in DTL is an offence against socially, economically and backward community and is viewed seriously by the National commission for Scheduled Tribes. It is advised to Department of Power, GNCTD and DTL that in future, before taking any decision regarding Scheduled Tribe employees this must be ensured that their fundamental and constitutional rights are protected.


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

5. Department of Power, GNCTD and DTL will again submit the files related to the recruitment of Asst. Manager (T) in year 2006 to Estt. Division of DoP&T. DTL should submit the clarifications on the issues raised by Establishment Division, DoP&T within 2 weeks from the date of the Sitting (As agreed by DTL officials during the Sitting). The files must be forwarded to DoP&T in accordance with the DoP&T Om No. 43011/9/2014-Estt.D dt. 28.10.2015.
6. Secretary, Dept. of Power, GNCTD and JS Estt (D) are advised attend the next hearing in person at NCST on 14.05.2019 at 02.00PM so that the long pending issues can be resolve.
7. Petitioner may submit additional query/ observation regarding this matter to DoP&T with a copy endorsed to NCST.

Anusuiya
सुश्री अनुसुईया उइके/Miss Anusuiya Uikay
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

Govt. of India

National commission for Scheduled Tribes

(File No. HK/5/2017/STGDH/SEHRMT/RU-1)

List of Participants in the sitting held on 08.04.2019 under the chairmanship of Ms. Anusuiya Uikey, Hon'ble, Vice-Chairperson, NCST in case of Shri Hemant Kumar, (R/o Flat No 247, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi) regarding De-reserving of ST vacancy and fixation of Inter-se seniority of AM (T) in Delhi Transco Limited, New Delhi.

I. National Commission for Scheduled Tribes

1. Miss Anusuiya Uikey, Hon'ble Vice- Chairperson
2. Shri P.T JamesKutty, Deputy Secretary
3. Shri Gaurav Kumar, PS to Hon'ble VC
3. Shri Rajeshwar Kumar, Assistant Director
4. Shri R.S. Misra, Senior Investigator

II Department of Personal & Training (DoPT)

1. Shri S P Pant, Deputy Secretary
2. Shri Pradeep Kumar, Under Secretary

IV Delhi Transco Ltd, Govt. of Nct of Delhi

1. Shri Loveleen Singh, GM (HR)
2. Shri Ram Kumar, Deputy Manager (HR)
3. Shri Vasu Dev, DGM (HR)

V Petitioner

Shri Hemant Kumar