



**Government of India**  
**National Commission for Scheduled Tribes**  
**(A Constitutional Body under Article 338A of the Constitution of India)**

No. BGP/2/2019/MCOI1/SEOTH/RU-IV

Dated: 02.09.2019

To,

**The Chairman & Managing Director,  
 Western Coalfields Ltd (WCL)  
 Coal Estate, Seminary Hills,  
 Nagpur-40001 (Maharashtra)**

Sub: Representation received from Shri Babarao Pusam, Working President, All India SC/ ST/OBC Classes Employees Co-ordination Council, Kolkata Branch, Nagpur regarding denial of Compassionate appointment to the dependents of late Shri Vilas vishvanath Tekem.

Sir,

I am directed to enclose herewith a copy of the proceeding of the Sitting held on 08.08.2019 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member National Commission for Scheduled Tribes on the above subject matter, for necessary action at your end.

It is therefore requested that an action taken report on the Commission's recommendations may be sent to this Commission within 30 days for placing the same before the Hon'ble Member, NCST.

Yours faithfully

*(Signature)*  
 (Y.K. BANSAL)  
 Research Officer

*(Encl: As above)*

Copy to:

Shri Babarao Pusam,  
 Working President,  
 All India SC/ ST/OBC Classes  
 Employees Co-ordination Council,  
 Kolkata Branch, Nagpur  
 WCL Head office, Civil Lines  
 Nagpur - 440001

*copy to - SAS, NIC, NCST.*

NATIONAL COMMISSION FOR SCHEDULED TRIBES

BGP/2/2019/MCOL1/SEOTH/RU-IV


PROCEEDINGS OF SITTING HELD ON 8.08.2019 UNDER THE CHAIRMANSHIP OF SMT. MAYACHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI BABURAO PUSAM, WORKING PRESIDENT, ALL INDIA SC/ST/OBC CLASSES EMPLOYEES CO-ORDINATION COUNCIL, KOLKATA BRANCH, NAGPUR REGARDING DENIAL OF COMPASSIONATE APPOINTMENT TO THE DEPENDENTS OF LATE SHRI VILAS VISHVANATH TEKAM.

Date of Sitting: 8.08.2019

List of officers present in sitting is Annexed.

The petitioner Babarao Pusam, Nagpur vide his representation dated 26.2.2019 has submitted the grievances regarding denial of compassionate appointment to the dependents of late Shri Vilas Vishvanath Tekam.

2. It was alleged that the WCL management had acquired land belonging to Late Shri Vilas Vishavnath Tekam bearing Gut No. 16/3 corresponding area. 2.63 Hq situated at village-Welhala Tehsil, Wani Distt-Yavatmal for Ukani project (WCL) in the year 1990 under CBA Act, 1957, notified vide S.O. No. 415, dated 23.01.1990 which was published on 17.2.1990. After acquisition of land, Late Shri Vilas Vishavnath Tekam had submitted an application to the concerned Department for providing employment. Thereafter, the WCL management had approved employment against the land acquired. However, the applicant had expired on 4.09.1998 during the employment training. During the death of Shri Vilas Vishavnath Tekam, his son Shri Jitender Vishavnath Takem was only 2 years old and therefore, his could not apply for employment against the land acquired. In addition, at that time, no help/counselling was provided to the victim family members. Thereafter, on attaining the age of 18 years, Shri Jitender Vishvanath Tekam had applied for employment by submission of application dated 6.4.2015. But the WCL authority has rejected his candidature for consideration of employment due to time lapse of about 23 years vide order No. WCL/WNA/AGM/APO/PLG/HNW/18/323 dated 2.11.2018, after a delayed period of 3 years. Thus, the WCL management has deprived the rights of Scheduled Tribes

  
श्रीमती माया चिंतामण इवनाते  
Smt. Maya Chintamn Ivnate  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

applicant in the name of providing an employment against the land acquired. Presently the Scheduled Tribes family does not have any source of income and land to feed the family. The Commission is requested to intervene in the matter and provided employment to the poor ST candidate.

3. As per procedure the matter was taken up with the CMD Western Coalfields Ltd. (WCL), Nagpur vide this Commissions notice dated 6.3.2019 for report. The WCL management vide it's letter dated 9.4.2019 has informed the facts of the case that the instant land bearing Kh. No. 16/3, admn. 2.63 Ha, Mouza-Welhala was acquired for Ukni OC project of Wani North Area under CBA Act, 1957, notified vide S.O. No. 415 dated 23.1.1990 which was published on 17.2.1990.

As per the 7/12 extract at the time of acquisition, the aforesaid land was co-owned by 3 land owners namely, (a) Vishwanath latari, (b) Latari Zitra (Expired) and (c) sadhu Latari. Further the land compensation was also prepared in the names of above co-land owners. However, the co-owner Latari Zitra Tekam expired on 1979 and his name was deleted from the 7/12 vide ferfar no. 158 dated 30.6.1992.

Subsequently, another land owner Vishwanath Latari Tekam died on 29.5.2004 and his legal heirs as per records are (1) Kantabai Maroti Tumram, (2) Indirabai Rambhau Kotnake (3) Vimalbai bahurao Kodape and (4) Vilas Vishwanath Tekam. Further, Vilas Vishwanath Tekam expired and his legal heirs are (a) mainabai Vilas Tekam (b) Sulochana Satish Gedam (c) Surekha Sandip Kotnake (d) Minakshi Vilas Tekam and (e) Jitender Vilas Tekam.

4. Earlier, one employment was sanctioned to Shri Vilas Vishwanath Tekam, son of one of the land owner, Shri Vishwanath latari against Kh. No. 16/3, admn 2.63 Ha., Mouza Welhala, land acquired for Ukni OC project, Wani North Area. He was called to offer employment vide case 34, Gut No. 16/3 dated 16.3.1193 and he was informed and sent for IME vide letter No. WCL/WNA/GM/PER/MEDICAL/96/270 dtd. 16.11.1996 (copy enclosed). After his IME, Shri Vilas Vishwanath Tekam did not report for further proceedings related to employment.

5. The land owner Shri Vishwanath Latari had submitted an application on 6.7.2001 stating that his son Shri Vilas Vishwanath Tekam had expired on 7.9.1998 and gave in writing to management that he did not have alternative nomination to offer to management as there is no family member in his family and he is alone (copy

  
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enclosed). Unfortunately, the land owner Shri Vishwanath Latari Tekam also expired on 29.5.2004. Thus the case of further employment to his nominee closed at that time. Since the case of providing employment has been raised after a time lapse of about 23 years from the date of acquisition, the proposal for providing employment to Shri Jitendra Vilas Tekam was not agreed to by the management.

6. As the Department's report was found to be unsatisfactory and therefore, Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST fixed a sitting on 8.8.2019 to have a discussion with the CMD Western Coalfields Ltd. (WCL) in the matter..

7. The CMD, WCL has sent request letter for exemption from appearance before the Commission and requested for allowing the General Manager (P/IR), WCL to appear before the Commission. Accordingly, Shri Iqbal Singh, General Manager (P/IR), WCL along with another Officer from WCL appeared. The petitioners Shri Babarao Pusam and Shri Jitendra Vishwanath Tekam were also present.

8. The case was discussed in detail. After hearing both parties, the Commission observed that the WCL management had acquired land of ST applicant in the year 1990 for Coal Mining Project. But no employment as per the Company policy was provided. The petitioner had also made application for employment in the year 2015 after attaining the age of 18 years. His father expired and therefore he could not take up the job and at that time the petitioner was a minor. Denial of the appointment due to time bar does not apply in this case. The Commission also noted that the Officers appeared were not competent to take a decision in the matter. Hence, the matter was deferred. The Commission decided that the CMD, WCL may be called in the next sitting to finalize the case.

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श्रीमती माया चिन्तामण इवनाते  
Smt. Maya Chintamn Ivnate  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
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Sitting held on 08/08/2019 at 02:00 P.M in the case of Shri Babarao Gudari Pusam, Yavatmal regarding compassionate appointment in Western Coalfield Limited.

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Consultant
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhri Atram, PS to Member
5. Shri H.R. Meena, Sr. Investigator

Officers of Western Coalfields Ltd (WCL), Nagpur

1. Shri Iqbal Singh, GM, WCL, Hq
2. Shri Arun K, Sr. Manager, WCL, Hq

Petitioner

1. Shri Babarao Gudari Pusam.