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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)

Case File No.: NCST-17012(MCOM)/1/2021-RU4

Dated: 26.03.2021

To

(1) ~~The Secretary General,~~
Quality Council of India,
2nd Floor, Institution of Engineers
Building,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
E.mail: sg@qcin.org

(2) The Chief Executive Officer,
National Accreditation Board for Testing and
Calibration Laboratories (NABL),
Plot No. 45, Sector 44,
Gurugram - 122003, Haryana,
E.mail: ceo@nabl.qcin.org

Subject: Representation dated 12.03.2021 received from Shri Birendra Prasad Murmu, S/o shri Amin Murmu, Dhanbad, Jharkhand regarding harassment by way of non regularization of service by QCI Management, under aegis of Department of Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.03.2021 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned matter for necessary action and submission of compliance report to this Commission latest by 30.03.2021 positively for placing the same before the Hon'ble Member, NCST.

1655-52
30/3/21

Yours faithfully,

(Y.K. Bansal)
Research Office

Copy to:

Shri Birendra Prasad Murmu,
Flat No. 201, Hardik Tower, Phase-1,
Opp. Block -C, Sector-53,
Noida -201 301 (Uttar Pradesh)
E.mail: bpmurmu@gmail.com
birendra@nabl.qcin.org

copy to
NIC, NCSI for uploading

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. NCST-17012(MCOM)/1/2021-RU4

PROCEEDINGS OF SITTING HELD ON 26.03.2021 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI BIRENDRA PRASAD MURMU, S/O SHRI AMIN MURMU, NOIDA REGARDING HARASSMENT BY WAY OF NON REGULARISATION OF SERVICE BY QCI MANAGEMENT, UNDER AEGIS OF DEPARTMENT OF PROMOTION OF INDUSTRY AND INTERNAL TRADE (DPIIT), MINISTRY OF COMMERCE AND INDUSTRY.

Date of Sitting: 26.03.2021

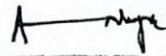
List of officers present in sitting is Annexed.

Shri Birendra Prasad Murmu, S/o Shri Amin Murmu, Noida has submitted a representation dated 12.03.2021 regarding harassment by way of non regularisation of his service and discontinuation of service w.e.f. 31.03.2021 by Quality Council of India (QCI) Management, under aegis of Department of Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry

2. In the representation, the petitioner has reported that he had joined as Technical Manager in National Accreditation Board for Testing & Calibration Laboratories (NABL) on 03.02.2017 on Contract basis for four years against his selection under ST category. At the time of joining, the NABL was an autonomous body under aegis of Department of Science and Technology, Ministry of Science and Technology. But he was not aware about amalgamation of NABL into QCI. During his service period, he worked sincerely and dedication with satisfaction of his seniors. His performance was at par with benchmark i.e. above very good. But the QCI and NABL management have not recorded his performance correctly and deliberated gave poor performance rating being belongingness of his ST category. In such circumstances, his services has not been regularized despite submission of repeated request and his plea of correction in his performance rating was not considered. In addition, the QCI Management is not following Rules of Reservation for STs in appointment and non-maintaining Reservation Rosters. Now, the QCI Management has decided to discontinue of his services w.e.f 31.03.2021 without giving any prior notice or any justification in the matter. He has also pointed out that the QCI has regularised services of other contractual employees left out his name. Thus, the QCI Management is going to snatch his employment without giving any clarification and defence opportunity. He requested the Commission to intervene in the matter and take necessary action to regularise his service in QCI.

3. Being seriousness of the grievances raised by the petitioner, a sitting was held on 26.03.2021 in the Commission to hear the petitioner's grievances.

4. In the sitting, Shri N. Venkateswaran, CEO, National Accreditation Board for Testing and Calibration Laboratories (NABL), Dr. Aradhana Chopra, Incharge, Admin, Quality Council of India (QCI) and other officers from QCI appeared. The petitioner was also present.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

5. In the sitting, the petitioner has submitted his grievances of non regularisation of services despite very good bench mark performance and subsequently issuing notice for termination of services w.e.f. 31.03.2021.

6. The Officers of NABL and the Quality Council of India has submitted facts of the case. They apprised to the Commission that the Quality Council of India is an autonomous body registered under Societies Act, 1860. The Rules and Regulation for services of the employees is governed by the governing body of the Council. The Government's Rules and Regulations are not applicable in the Quality Council of India. In the instant case, the petitioner Shri Murmu was appointed as Technical Manager on Contract basis for a period of 4 years i.e. upto 02.02.2021 by the NABL authorities. Thereafter, on 04.01.2017, the NABL was merged into QCI after necessary approvals. Accordingly, all NABL employees were re-designated at par with designation prevalent in the QCI and were placed in the CTC slabs as applicable in QCI. Accordingly, Shri Murmu was re-designated as Joint Director in QCI. As per the guidelines approved by the Governing Body, the QCI had initiated the process of regularisation of 100 NABL employees against the sanctioned posts in QCI through a stipulated process. 92 NABL employees out of 98 (2 employees resigned from service) have been regularised as per the Governing Body recommendation made during the year 2018, 2019 and 2020. Shri Murmu was not recommended for regularisation by Review Committee in the meeting held on 26.07.2019, 27.06.2020 and 08.01.2021 in view of performance level below the required level befitting the post of JD. The Review Committee in its meeting held on 08.01.2021 after consideration of his case, recommended for discontinuation of his services w.e.f. 31.03.2021 in view of continued substandard. Hence, the QCI has acted as per Byelaws and Rules and Regulations and stipulated procedure. Further, the petitioner was given 03 more chance from 2018 onwards to improve his performance. He was last intimated on 18.11.2020. The Officers of QCI has also clarified that there is a procedure for regularisation of employees. As per established procedure, only employees who got 8.5 marks in APAR called for interview and the Selection Committee assess the performance of employees and recommends for regularisation. In addition, there a similar nature of case belonging to general category wherein the Selection Committee did not recommend his name and thereafter issued termination order. The said matter is pending before the Hon'ble High Court of Delhi.


7. The case was discussed in detail. The Commission observed that the petitioner Shri Murmu was initially appointed as Technical Manager by the NABL authorities against ST reserved post. The NABL was Government Organization of Department of Science and Technology, M/o Science and Technology and Reservation Policy for STs was applicable in that organization. In 2017, the NABL was merged with QCI. Hence, benefits of the reservation will be continued to the ST employees of erstwhile NABL. The Reservation Policy will however not be applicable for the employees recruited by the QCI. In addition, the assessment of the work performance of the petitioner for the year 2020-21 has not been completed. But, before completion of assessment, the petitioner's service has been discontinued w.e.f. 31.03.2021 without giving any due opportunity. He was intimated about his work performance on 18.11.2020 prior to 4 months' before issuing termination notice. Thus, he was discriminated. The Commission also found that the performance of the ST petitioner was very good required for benchmark to be considered for regularisation and the petitioner has also improved his work performance as per advice of the QCI.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
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8. After detailed discussion, the Commission finds that as the Commission has not received details of the case. Hence, the case will be reviewed after receiving of all records. The following records is required.

- The Quality Council of India authority may submit all relevant records pertaining to regularisation of services of 92 employees along with criteria for regularisation.
- All documents relating to Rules and Regulations, QCI's service manual and measures to be taken for protection of ST employees in Quality Council of India be submitted
- The Commission however recommends that the Quality Council of India may consider for extension of services of Shri B.P. Murmu beyond 31.03.2021 till the next sitting in the Commission.
- An action taken report in the matter may be submitted to the Commission latest by 30.03.2021.

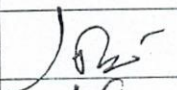

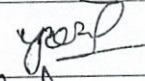
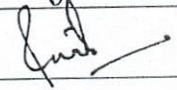

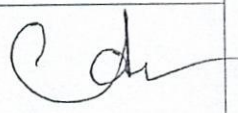

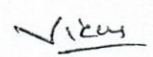


(ANANTA NAYAK)
MEMBER, NCST

अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Attendance Sheet
National Commission for Scheduled Tribes

File No. NCST-17012(MCOM)/1/2021-RU4

Meeting held on 26.03.2021 at 11.45 P.M. in the case of Shri Birendra Prasad Murmu, S/o Shri Amin Murmu, Dhanbad, Jharkhand regarding harassment by way of non regularization of service by QCI Management, under aegis of Department of Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry.

Sl. No.	Name and Designation	Address & Phone No.	Signature
I National Commission for Scheduled Tribes			
1.	Shri. Ananta Nayak, Hon'ble Member	In Chair	
2.	Shri K. Touthang, Joint Secretary		
3.	Dr. Lalit Latta Director		
4.	Shri Y.K. Bansal, Research Officer		
5.	Shri P. Parida PS to Hon'ble Member.		
6.			
7.			
II Officers from QCI and NABL			
1.	N. VENKATESWARAN CEO, NABL	9868159618	
2.	Dr. Aradhana Chopra Incharge Admin, QCI	9810033854	
3.	NEERAJ KUMAR Legal AssH; QCI	9250925371	
4.	Vikas K. Jaiswal, Deputy Director, NABL	9818852403	
5.			
Petitioner			
1.	Birendra Prasad Murmu Joint Director, NABL/QCI	NABL/QCI Gurugram 9818328851	
2.			