



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.: PM/1/2019/MSTR3/SEOTH/RU-IV

Dated: 02.08.2021

1. The Secretary,
Ministry of Shipping,
Transport Bhawan,
Sansad Marg,
New Delhi – 110 001
E.mail: secyship@nic.in
2. The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam – 530 035
E.mail: chairman.vpt@gov.in

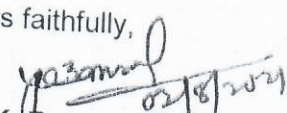
Subject: Representation of Smt. P. Mothi, W/o late P. Linganna, Kalisapuram, Visakhapatnam regarding denial of compassionate appointment in lieu of her deceased husband late Shri P. Linganna by Visakhapatnam Port Trust Management (VPT).

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 15.07.2021 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 within one month period positively for placing the same before the Hon'ble Member, NCST.

(Encl: as above)

Yours faithfully,


(Y.K. Bansal)
Research Officer

Copy to:

1. Smt. P. Mothi,
W/o late P. Linganna,
D. No. 40-1-24/22,
New Velanga Matha Church,
Madhusudhan Nagar,
Kalisapuram, Visakhapatnam.
(Andhra Pradesh)
2. Shri S.B.K. Murthy,
State Executive Member, BJP,
Flat No. 201, PSB Nilayam,
Near Walkers Park, Muralinagar,
Visakhapatnam – 530 007
E.mail: murthysbk@gmail.com

Copy to

NIC, NCST for uploading on website - 1

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. PM/1/2019/MSTR3/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 15.07.2021 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SMT. P. MOTHI, W/O LATE P. LINGANNA, KALISAPURAM, VISAKHAPATNAM REGARDING DENIAL OF COMPASSIONATE APPOINTMENT IN LIEU OF HER DECEASED HUSBAND LATE SHRI P. LINGANNA BY VISAKHAPATNAM PORT TRUST MANAGEMENT (VPT).

Date of Sitting: 15.07.2021

List of officers present in sitting is Annexed.

The petitioner Smt. P. Mothi, Visakhapatnam vide her representation dated 08.04.2019 submitted her grievances of denial of compassionate appointment in Visakhapatnam Port Trust (VPT) in lieu of her deceased husband, Shri P. Linganna who died in road accident while returning home from duty. She stated that her husband late Shri Linganna was working as Senior Inspector, Cargo Handling Division at Visakhapatnam Port Trust. On 11.06.2014, he completed his 3rd shift duty and in the early morning of 11.06.2014, while returning home, he met with a road accident near by the Visakhapatnam Port Trust premises and died on the spot on 11.06.2014. At the time of the fatal accident, one of his co-worker Shri K. Ramamurthy Naidu was accompanying him and he also confirmed death of her husband while on duty in the VPT premises. Thus, her husband's death happened during duty hours. After her husband's death, she applied for compassionate appointment and demanded for workmen compensation. But, after submission of many representations before the Vishakhapatnam Port Trust authorities, no compassionate appointment has been given nor workmen compensation was provided to her and the matter is pending for the last 07 years and no justice was provided to her. She further stated that the Visakhapatnam Port Trust Management has not implemented the Commission's recommendations for providing appointment on compassionate ground so far. She requested the Commission to re-intervene in the matter and provide justice.

2. Earlier, a sitting under the Chairmanship of Ex-Hon'ble Member (Smt. Maya Chintamm Ivante), NCST was held on 14.11.2019 with the Chairman, VPT and petitioner concerned. The Commission had recommended that the Chairman, Vishakhapatnam Port Trust will review the case of Smt P. Mothi for providing compassionate appointment in place of her husband Late Shri Linganna who expired during service tenure / official duty on priority basis and also to take necessary action to provide appointment on compassionate ground to the petitioner as Special case, since the petitioner belonged to poor marginalized community and does not have any source of income. The Commission also recommended the Vishakhapatnam Port Trust Management to consider the petitioner's case by following "Notional theory of extension" to provide compassionate appointment to the petitioner.

3. In pursuance of the Commission's recommendations, the VPT Management vide its letter dated 22.01.2020 had submitted an action taken report wherein it has been informed that the petitioner's death happened in road accident at 6.00 a.m on 11.06.2014. The distance between the place of employment and the accident spot is about 4-5 kilometers. Hence, the "National extension theory" may not be applied in this case. Further, as per extent rules of the guidelines, out of turn employment on compassionate grounds can only be considered in the case where death occurred while on duty. Hence, it is not possible to consider the petitioner's request for appointment.

अनंत नायक/ANANTA NAYAK

NATIONAL COMMISSION FOR SCHEDULED TRIBES

नई दिल्ली/New Delhi

4. Since the petitioner found the report of the Visakhapatnam Port Trust Management not convincing, she again represented stating that her husband expired while on duty in the early morning of 11.06.2014 and her claim of providing compensatory appointment should have been considered by the VPT Management. Accordingly, the Commission again took up this matter with the Secretary, Ministry of Shipping vide NCST letter dated 10.07.2020 and follow up reminders dated 03.09.2020, 06.22.2020, 10.02.2021 and 07.05.2021. However, no report was received from the Ministry concerned.

5. The Commission fixed for a sitting in the case on 15.07.2021 wherein summon was issued to the Secretary, Ministry of Shipping for personal appearance before the Commission on 15.07.2021. However, the Secretary, Ministry of Shipping vide letter dated 07.07.2021 sought exemption for personal appearance and requested for permission to depute the Chairman, VPT and the Joint Secretary (Ports) from the Ministry. Accordingly, Shri P. Rama Mohan Rao, Chairman, VPT and Shri Vikram Singh, Joint Secretary (Port), M/o Shipping appeared. The petitioner was also present.

6. In the sitting, the Chairman, VPT informed the Commission that the petitioner's husband late Shri P. Linganna worked as Sr. Inspector, Cargo Handling Division, Visakhapatnam Port Trust and had died in road accident in the early morning on 11.06.2014 while returning to his home after completion of his duty. Hence, the death of Shri P. Linganna was not a case of death while on duty. He further clarified that there are two categories for consideration of the cases of Govt. servant who died leaving the family in harness i.e. (i) who died while in service or retired on medical grounds and (ii) while on duty. In the instant case, the petitioner's husband's death happened while in service. Hence, as per Govt. of India instructions, the cases of employees who died while in service are considered against prescribed 5% quota of total vacancy in a year. In the cases relating to death of employees while on duty, there is a policy to provide immediate employment on out of turn basis. Presently, the VPT has 287 such cases where death of employee happened while in service. Out of 287 cases, STs are 15 and SCs are 43. The petitioner's name figure at Sl. No. 03 under ST category in the Master List and in overall list, petitioner's name is at Sl. No. 32 in the list. As per extant guidelines for compassionate appointment, her case would be considered subject to fulfillment of various rules/guidelines/procedures in vogue, availability of vacancies and suitability of candidates prescribed for the purpose.

7. The case was discussed in detail. The Commission observed that the petitioner's husband's death happened in a road accident while returning home from the duty. Hence, as per the judgments delivered by the Hon'ble High Courts and Hon'ble Supreme Court on Notional Theory of extension, her case of providing compassionate appointment should have been considered and given priority in providing appointment on compassionate grounds. The Commission therefore, recommends that the Chairman, Visakhapatnam Port Trust will review the case as per Notional Theory of Extension and also re-consider the petitioner's case of employment on compassionate grounds. The VPT Management should also prepare a list of cases of the employees who died in road accident, in particular, those cases of the Scheduled Tribes and such cases should be given on priority and his name may be in no. 1 position. An action taken report may be submitted to the Commission within one 15 days period.



(ANANTA NAYAK)

MEMBER

National Commission for Scheduled Tribes

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

ANNEX

File No. PM/1/2019/MSTR3/SEOTH/RU-IV

Sitting held on 15.07.2021 at 11.30 A.M. in the case of representation of Smt. P. Mothi, W/o late P. Linganna, Kalisapuram, Visakhapatnam regarding denial of compassionate appointment in lieu of her deceased husband late Shri P. Linganna by Visakhapatnam Port Trust Management (VPT).

Sl. No.	Name and Designation	Address & Phone No.	Signature
I			
National Commission for Scheduled Tribes			
1.	Shri. Harsh Chouhan Hon'ble Chairperson	In-Chair	
2.	Shri Ananta Nayak Hon'ble Member	In chair	
3.	Shri K. Touthang, Joint Secretary		
4.	Dr. Lalit Latta Director		
5.	Shri Y.K. Bansal, Research Officer		
5.	Shri - D.D. in pathe legal owl		
6.			
7.			
II			
Officers from Ministry of Shipping			
1.	K. RAMA MOHANA RAO.	Chairman, board port	
2.	Vikram Singh	Joint Secretary Ministry of Ports Shipping & Water	
3.	Randeep Gupta	Director	
4.			
5.			
III			
Petitioners			
1.	Pujari Mothi		
2.	kiko masool	Sister	
3.			