



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग  
**National Commission for Scheduled Tribes**

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)  
(A constitutional body under Article 338A of the Constitution of India)

File No. NCST/SER-962/DL/46/2023-SSW

Dated: - 26.02.2024

To,

Shri Gyanesh Bharti  
Commissioner,  
Municipal Corporation Of Delhi  
Minto Road, New Delhi- 110002  
Email Id: [commissioner@mcd.nic.in](mailto:commissioner@mcd.nic.in), Tel. No: 23225901

**Sub: Non-implementation of reservation in promotion of ST employees in Ayush Department, MCD- a representation dated 19.03.2023 of Dr. Anand Kumar Eslavath, Ayush, MCD, New Delhi.**

महोदय ,

I am directed to enclose herewith a copy of the minutes of the meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Vice Chairperson (Acting), NCST on 09.02.2024 at 12:00 (Noon) in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time from receipt of the letter for placing it before the NCST.

Yours faithfully,

(आर.एस.मिश्र / R.S. Misra)

अनुसंधान अधिकारी / Research Officer  
Tel:-011-24641640

Copy to:-

Dr Anand Kumar Eslavath  
Medical Superintendent  
AT-Gnyan, Chand Joshi Ayurvedic Panchakarma Hospital, karampura  
New Delhi- 110015  
Mob No- 9811728549

Copy for information

1. PS to Hon'ble VC (Acting), NCST
2. NIC, NCST for uploading on the website of the Commission.



**National Commission for Scheduled Tribes**  
**(F. No. NCST/SER-962/DL/46/2023-SSW)**

Minutes of the meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Vice-Chairperson (Acting), National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Dr. Anand Kumar Eslavath, Ayush, Municipal Corporation of Delhi(MCD) regarding non-implementation of reservation policy in AYUSH Department, MCD.

**Date of the meeting:** 09.02.2024, 10:30 AM  
**Participants in the meeting -** As per Annexure


Dr. Anand Kumar Eslavath, Ayush, MCD, New Delhi vide representation dated 19.03.2023 has alleged that the Ayush Department, MCD is not following the reservation policy in promotion and no ST candidate is being promoted to higher posts.

The Commission vide notice dated 07.07.2023 had referred the matter to the Commissioner, Municipal Corporation of Delhi for furnishing the facts and comments. MCD furnished its reply vide letter dated 19-03-2023 and stated as under and this was forwarded to the petitioner for information—

"After going through all the facts the DSC has decided that as such there is no RR for the post of Director (AYUSH) & Addl. Dir. (Ayurveda) and O.I.P.S as on date in MCD as per appendix to DOPT O.M. No. 36011/6/2010-Estt (Res) dated June, 2010 'there is no reservation in case of promotions by selection from a Group A post to another Group A post'. The representation of Dr. Anand Kumar Eslavath is not found 'FIT' and rejected."

Dr. A. K. Eslavath vide letter dated 09.08.2023 has refuted the facts and requested for justice. He stated that appointments to Director (AYUSH) and other posts are non-selection method appointments with applicable reservations. He points out the violation of Roster maintenance, inadequate/zero representation of ST officers, and the absence of Recruitment Rules (RRs) in the AYUSH Department of MCD. He also expressed concerns about the issuance of Look After Charge (LAC) orders to ad hoc employees of lower Groups without proper procedures, potentially harming the eligibility and representation of ST officers. This was forwarded to MCD on 25-08-2023.

The MCD vide letter dated 21/09/2023 replied to the comments which was forwarded to the petitioner vide letter dated 11/12/2023. Simultaneously the matter was referred to the MCD for report on action taken/to be taken for framing RRs to the posts of Director(AYUSH) and Additional Director(Ayurved) and OIPS. There was no reply from the MCD and the petitioner vide his rejoinder dated 08/01/2024 expressed dissatisfaction and requested to ensure justice.

  
अनंत नायक/ANANTA NAYAK  
कार्यवाहक उपाध्यक्ष/Acting Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
बाल गंगाधर तिलक स्मृति भवन



Hence, the Commission decided to discuss the issue with the Commissioner, MCD and the petitioner on 09.02.2024. The Commissioner, MCD deputed Director (Personnel) to attend the meeting.

In the meeting, Director (Personnel), MCD and other officials were present. The Petitioner was also present. The Petitioner reiterated his earlier submissions and raised questions regarding non framing of RRs from 2011 till now, inadequate representation of STs in higher posts, multiple promotions to ad-hoc appointees, representation of STs in higher posts, multiple promotions to ad-hoc employees while ignoring conferring look after charge of higher posts on ad-hoc employees while ignoring regular ST employees and non-consultation with UPSC. MCD officials were not able to satisfactorily reply to any of the issues raised by the petitioner.

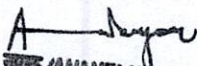
The petitioner pointed out the inadequate representation of ST officer, so far zero representation in AYUSH Dept. of MCD, for more than 70 years (as per data) in Promotional/Higher Echelon/Designated posts in the department. He stated the directions by the Hon'ble Supreme Court of India in the matter of Jarnail Singh & Ors Versus Lachhmi Narain Gupta & Ors. in CA No. 629 of 2022 to which the MCD has not taken any initiative. As per the O.M No. 36028/8/2009-Estt (Res) dt.7/06/2013] would apply to promotions by selection to posts within Group A carrying Grade Pay of Rs. 8,700/- or less". The petitioner vehemently argued the department cannot overlook the fact that he is placed before a few unreserved /general category merit lists released by UPSC, which further strengthens his efficiency and eligibility also his joining is before a few already appointed doctors. The department cannot overlook the fact that, as per the reservation rosters, his eligibility stands as a valid and strong point.

It is found that, since creation of resolution no 1111 dated 28.03.2011, even after 2006 regular UPSC doctors' recruitment- hasn't made efforts to prepare RR's or to implement ST-OM's during 13 years of big time and encouraged ad hoc promotions/ rule breaking appointments and deprived ST officer. The Commission is informed that Dr. Muzayyana Khatoon, Group B (ad-hoc) is holding two posts i.e. Director-AYUSH and Additional Director-Unani.

The Commission took a serious view of the lackadaisical attitude of MCD. It further pointed out that the continued failure to frame RR rules for the posts in question and promotion to ad hoc employees had the effect of depriving genuine ST Officers of their constitutional right. The MCD needs to take corrective action on all the points raised by the Petitioner.

After hearing both the parties, the Commission recommends the followings to be complied withi 30 days –

- (i) The MCD may initiate action to appoint Dr. Anand Kumar Eslavath, for one of the posts of Director-AYUSH or Additional Director-Unani.
- (ii) RRs for the relevant posts in AYUSH Department to be framed at the earliest by MCD;

  
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NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India

(iii) The UPSC may be consulted in promotion matters and other relevant issues to ensure adequate representation of STs in higher posts in MCD wherever required;

(iv) A copy of the MCD Letter dated 08.02.2024 as provided during the meeting may be given to the Petitioner for submission of a detailed rejoinder. After receipt of the rejoinder, MCD to furnish point wise reply on the same;

(v) The List of Officers (including their category/caste, qualification and date of joining in the Department specifying whether recruited as Adhoc or Regular ) in AYUSH, AYURVED and Unani who have been promoted to Senior Posts since 2006 may be furnished;

(vi) The Commissioner, MCD to be personally present in the next Meeting.



अनंत नायक/ANANTA NAYAK

कार्यवाहक उपाध्यक्ष/Acting Vice-Chairperson

राष्ट्रीय अनुसूचित जनजाति आयोग

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