



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 .....10/06/2010.....

F.No. KW/26/2009/MPNT2/SEPROM/RU-IV

To

The Chairman-cum-Managing Director,  
TCIL,  
TCIL Bhawan,  
G.K. Part-I,  
New Delhi-110014


Sub: Minutes of the meeting held in the NCSt on 17/05/2010 at 11:30 AM to discuss the case of Smt. Kiran Wadadikar, 720, Krishi Kunj, Inderpuri, New Delhi regarding transfer.

Sir/ Madam,

I am directed to refer to this Commission's letter of even number dated 06/05/2010 on the above subject and to forward herewith a copy of the minutes of the hearing held in the Commission on 17/05/2010 in the above case for necessary action.

2. It is requested to send action taken report in the matter to this Commission within 30 days positively.

Yours faithfully,

  
(N. Balasubramanian)  
Research Officer

Copy to:

Smt. Kiran Wadadikar,  
720, Krishi Kunj, Inderpuri,  
New Delhi..

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ISSUED

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Proceedings of the Sitting held in the National Commission for Scheduled Tribes (NCST) on 17.05.2010 at 11.30 A.M. to discuss the case of Mrs. Kiran Wakadikar, JCA-1, TCIL R/o Inderpuri, New Delhi regarding transfer.

The following were present:-

NCST

1. Shri Tsering Samphel, Hon'ble Member (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri Hari Ram Meena, Sr. Investigator

Officers of TCIL

1. Shri R.K. Upadhyay, CMD
2. Shri Bhagavati Prasad, Executive Director

Petitioner:

Mrs. Kiran Wakadikar

**Issue:** Representation dated 25.11.2009 from Mrs. Kiran Wakadikar, JCA-1, TCIL R/o Inderpuri, New Delhi regarding transfer.

Background

1. Mrs. Kiran Wakadikar, JCA-1, TCIL represented to the National Commission for Scheduled Tribes on 25.11.2009 regarding her transfer from Delhi to Devaria vide order No. TCIL/11/001/052/2009-HRD dated 18.09.09. Mrs. Kiran Wakadikar reported that she had represented to CMD, TCIL on 23.09.2009 and 09.10.2009 about her family circumstances and requested for her retention at TCIL Hqrs. in Delhi. She had further mentioned that she had earlier requested on 15.10.09 that she was willing to forego her promotion and to revert on a lower post at TCIL Hqrs. In Delhi which was turned down by the authorities. She was finally relieved by the TCIL Hqrs. on 30.10.09 (A/N) to report on duty at the Devaria project.

Mrs. Wakadikar requested for cancellation of her transfer on the following grounds:-

- i. that she was blessed with a boy baby (major surgery) and the child is just 7 months and

  
10/16  
**TSERING SAMPHEL**  
Member  
National Commission for Scheduled Tribes  
Govt. of India, New Delhi

- ii. that DoPT Order No. 13018/4/2009-Estt.(L) dated 08.07.2009 regarding special provisions in the Rules and Regulations for the benefit of women employees – need to increase the representation of women in the Central Government jobs' states:

"Read with the Govt. of India has issued detailed instructions to its offices to ensure the posting of the husband and wife at the same station so as to enable them to lead a normal family life and ensure the education and welfare of their children (OM No. 28034/2/27-Estt-A dated 03.04.86 & 12.06.97). To facilitate posting of couples in the same station it has been approved that in case of a woman officer, whose husband is posted under the Govt. of India, the 'cooling off' period may be waived up to six months so that she may get a posting at the station where her husband is posted".

- iii. that her husband is working in IARI as UDC and cannot be transferred and her husband has no office in Devaria or in nearby area.
- iv. that since she had undergone major surgery and attending to child alone at Devaria is difficult for her.

2. The Commission vide letter dated 02.12.2009 asked the CMD, TCIL to furnish comments alongwith action taken in the matter. The TCIL vide letter dated 04.01.10 informed the Commission that TCIL was a project based organization and staff was being posted commensurate with the requirement of the projects. For organization like TCIL, it is not possible to afford lifetime posting of an employee at Hqrs., New Delhi. Based on the consent given by Mrs. Wakadikar for posting to projects outside NCR, she was promoted to the next scale. All efforts are made in the organization to accommodate the employees where their spouse is working within the constraint of providing suitable manpower to the projects being undertaken by the Company. The TCIL intimated that her request had been noted and would be given due consideration as and when an opportunity arises for posting against projects at the Hqrs. TCIL also intimated that her allegation for victimization/harassment of ST lady employee was absolutely wrong. Other ladies of her batch and senior to her (almost of her age and having similar family problems) were also transferred/posted outside the NCR alongwith her and they had already joined their new postings, Mrs. Wakadikar is the only employee who has not joined till date, though it was more than three months since the orders for her transfer alongwith other employees were issued.

3. The petitioner Mrs. Wakadikar was informed of the reply vide letter dated 12.01.2010. Mrs. Wakadikar refuted the facts reported by the TCIL and submitted another representation dated 18.01.2010. placing the difficulties and her problem with a request to post her at Delhi.

The rejoinder was sent to the CMD, TCIL vide letter dated 19.04.2010. The petitioner made another representation on 03.05.2010 narrating her difficulties to the Hon'ble Member and subsequently, a Sitting was fixed on 17.05.2010 at 11.30 A.M. considering the request and the problems faced by the ST lady employee.

The TCIL vide letter dated 14.05.2010 furnished their comments on the rejoinder of the petitioner dated 18.01.2010 as under:

- i. that at present, there are 28 JCAs, out of them 16 are posted in New Delhi and 12 are posted out of NCR. Out of the total JCAs, there are two ST category employee, namely Mr. Kailash Chand Meena and Ms. Kiran Wakadikar. Mr. Meena is presently posted in Delhi. This reflects that there is appropriate proportion of ST community employees in JCA position.
- ii. that TCIL is fully concerned about the problems, family circumstances of its employees. However, it would not be possible to accommodate everybody at the Hqrs all the time. TCIL is a project focused organization and has its operations in more than 40 countries, with its activities scattered throughout India. It may not be possible to deploy proportionate manpower to different locations to backward communities. Realizing the problems of lady employees, generally they are not posted out of India though major activities of the TCIL are spread around the globe. In the present case, the official herself had given option to work outside NCR on promotion.
- iii. that TCIL is following the norms laid down by Govt. of India for backward classes.
- iv. that TCIL has never shown adamant attitude towards its employees. On the contrary, they as law abiding corporate citizen, have to conform to various rules and regulations of the TCIL. The decisions have to be judicious, transparent and in the interest of TCIL and its employees that demoting an official to lower grade on these grounds may not be possible from administrative point of view.

4. As per the schedule, Sitting was held in the Commission on 17.05.2010. Shri R.K. Upadhyay, CMD, TCIL alongwith Shri Bhagawati Prasad, Executive Director appeared for discussion.

5. The Hon'ble Member mentioned that the case of Mrs. Wakadikar regarding her transfer to Devaria Project had been seen by him and looking into the family circumstance and the family problems, a lenient view was required to be taken to consider her request and to post her at the TCIL Hqrs. Hon'ble Member also desired to be apprised of the transfer policy of the TCIL.

6. The CMD, TCIL informed that the TCIL was a project based organization. TCIL is working all over India and their projects are outside India also. The Promotion Policy of TCIL has been approved by the TCIL Board. The case of Mrs. Kiran Wakadikar was covered under the Promotion policy.

7. CMD, TCIL mentioned that the case of Mrs. Wakadikar is handled in accordance with para 10 of the policy. In accordance with the Promotion Policy, after taking consent from the eligible candidates, cases are put up before DPC. The case of Mrs. Wakadikar was considered for promotion after her consent dated 16.12.2008 for being transferred out of NCR on promotion against any project. On declaration of DPC results, Mrs. Wakadikar joined to the post of JCA-1 on promotion, as per ED (Civil) Office Order dated 18.09.09, which also included 10 other officials, who are posted out. CMD, TCIL also mentioned that the said order also included promotion of 6 other ladies alongwith Mrs. Wakadikar and all of them, had joined at their new place of postings.

8. The CMD further informed that on declaration of result of DPC, the officials were allowed to join on promotion at Hqrs. and subsequently against the requirement of the projects, the transfer were effected later to new place of posing strictly as per the Promotion Policy. Member (TS) mentioned that the petitioner had requested for withdrawal of consent letter and reversion to JCA- II taking into account her family circumstances. The CMD, TCIL clarified that the Vigilance Deptt. was consulted in the matter. As advised by them, a person under such circumstances after being promoted cannot be reverted without disciplinary action since the person has already joined in accordance with the Promotion Policy. The option to continue at her earlier grade JCA-II should has been examined at the initial stage when the promotion exercise were undergoing and her consent for promotion was sought.

9. The Commission noted that there appears no discrimination/harassment meted to an ST employee in the case of transfer. Member (TS), however, advised the CMD to look into the request of Mrs. Wakadikar for transfer to TCIL Hqrs sympathetically, considering her family circumstances and apprise the Commission of the position within a month.

10/6/2010  
TSERING SAMPHEL  
Member  
National Commission for Scheduled Tribes  
Govt. of India, New Delhi