



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 13/04/2012

File No. SIM/1/2011/MMIN/SEPROM/RU-III

To

The Additional Chief Secretary,  
Department of Mines and Geology,  
Govt. of Jharkhand,  
Ranchi (Jharkhand).

Sub: Promotion of Shri S.I. Minz (Scheduled Tribes) Additional Director of Mines to the post of Director of Mines-regarding.

Sir,

I am directed to enclose a copy of the minutes of the meeting held on 29/12/2011 at Ranchi in the case mentioned above.

It is requested that action taken report may kindly be sent to this Commission at the earliest for its onward submission to Hon'ble Chairperson of this Commission.

Enclosures: As above

Yours faithfully

(N.K. Maran)  
Research Officer

Copy to: The Research Officer, National Commission for Scheduled Tribes  
Regional Office Ranchi 14, New AG Co-operative Colony, Kadaru Ranchi  
(Jharkhand) – 834002 for follow up action.

2. Shri S.I. Minz, Vill: Tuki Tola, samalaung, Post: Namkum, Dist: Ranchi, (Jharkhand).

3. SSA, NIC.

Research Officer

**Minutes of meeting held on 29.12.2011 at NCST, Regional office, Ranchi to discuss the case regarding promotion of Shri S.I.Minz to the post of Director**

The meeting called by Dr. Rameshwar Oraon, Hon'ble Chairman, NCST in the Commission's Regional Office at Ranchi on 29.12.2011 at 11.30 A.M. to discuss the case of Shri S.I. Minz, Additional Director of Mines regarding promotion to the post of Director of Mines with Shri A.K. Sarkar, Addl. Chief Secretary, Deptt. of Mines and Geology, Govt. of Jharkhand.

The meeting was presided over by the Hon'ble Chairman, NCST. Shri A.K. Sarkar, Additional Chief Secretary, Shri Rajesh Kumar, Under Secretary, Govt. of Jharkhand, petitioner Shri S.I. Minz and Shri S.R. Tiriya, Research Officer, NCST, Ranchi was also present during the meeting.

Shri S.I. Minz was asked by the Hon'ble Chairman to present his case. Shri Minz has submitted that he joined as Distt. Mining Officer on 03.01.1989. His promotion to the post of Dy. Director is due from 27.03.1997 as per the Kalawadhi fixed by the State Govt. But he was given promotion to the post of Dy. Director w.e.f. 15.11.2000 by the state of Jharkhand (i.e. from the date of creation of the State of Jharkhand) vide notification no. 725/m Ranchi dated 28.05.2009. The Govt. of Jharkhand has been requesting the Govt. of Bihar for giving promotion to Assistants/Distt. Mining officer whose promotion are due before the bifurcation the State of Bihar i.e. 15.11.2000 vide letter no. 243 dated 16.01.2007.

The State of Bihar after consideration issued notification for promotion to the post of Dy. Director Mines w.e.f. 27.03.1997 till the bifurcation of the state vide notification no. 1927 dated 26.10.2009 as the promotion from the date of bifurcation had already been given by the State of Jharkhand. Shri B.B. Singh filed a petition in the High Court of Jharkhand regarding Jurisdiction of the State of Bihar to give promotion to persons posted at Jharkhand and the High Court of Jharkhand has passed Judgement that the State of Bihar has no Jurisdiction, Shri Minz also submitted before Hon'ble Chairman regarding violation of Section 72 & 73 of the Bihar Reorganisation Act, 2000 and 85<sup>th</sup> constitution amendment regarding seniority to SC/ST in the matter of promotion.

: Shri S.I. Minz and Shri B.B. Singh was confirmed on the Post of Distt. Mining Officer by the Govt. of Bihar much after bifurcation of the State of Bihar on 14.01.2008 and 29.02.2008 respectively, which has been accepted by the Govt. of Jharkhand. Shri B.B. Singh, Dy. Director, Mines and Shri S.I. Minz, Dy. Director Mines both were given regular promotion to the post of Additional Director Mines vide notification no. 1968 dated 23.12.2009 and 1969 dated 23.12.2009 after completion of the Kalawadi of four years in the vacant post directing Shri B.B. Singh to continue to hold the post of 1/C Director of Mines and Shri S.I. Minz Additional Director, Mines. Shri Minz also brought before the notice of the Hon'ble Chairman the case of Shri Sanjeev Kumar Mandal who has been promoted by the Govt. of Bihar in 2006 and his promotion has been accepted by the Govt. of Jharkhand, but in his case the promotion order issued by the state of Bihar in 2000 has not been accepted by the Govt. of Jharkhand. Thus he feels he has been discriminated by the govt. of Jharkhand. He being representing for promotion to the post of Director to the Secretary, Mines and Geology Deptt. since 2008 and before also.

Hon'ble Chairman has said that he is aware of the fact that there are cases in the Health Deptt. where persons posted in the State of Jharkhand has been given promotion by the Govt. of Bihar and those promotion have been accepted by the Govt. of Jharkhand. Hon;ble Chairman has asked that if Health Deptt. Can accept the promotion why can't the Deptt. of Mines. Hon'ble Chairman further wants to know from the Additional Chief Secretary, Is there is any policy of the Deptt. Of Mines not to accept the promotion granted by the Govt. of Bihar, even though it has already been accepted in case of Shri Sanjeev Kumar Mandal. On this the Additional Chief Secretary said that he is not aware of the case of Shri Sanjeev Mandal and that it has not been brought to his notice. He has assured that the case of Shri Mandal and other cases of similar nature would be examined by the Govt. of Jharkhand. He further said that the seniority list of the Dy. Directors has not been finalised by his Deptt. and the same is pending with the Hon'ble Minister. The Hon'ble Chairman said that as per the DOPT. Order ad-hoc promotion cannot be for a unlimited period, if the promotion continues for more than one year it will be presumed permanent. Shri Minz further submitted that, if he were in Bihar his seniority would have been in no.1 but his seniority has been put in no. 2 by the Govt. of Jharkhand. The recommendation of the Bihar Govt. for his promotion to the post of Dy. Director was not brought before the DPC. He has cited various Judgement regarding promotion. Thus his service condition has been changed without the prior approval of the Govt. of India as per the provision of the section 72 of the Bihar reorganisation Act. 2000. Shri Minz was working as Dy. Director from July 1997 and Shri B.B. Singh from 1999. Shri Minz was given regular promotion w.e.f. 15.11.2000 with retrospective effect vide notification no.725 dated 28.11.2009. He has filed a SLP in the Hon'ble Supreme Court of India regarding Jurisdiction of the State of Bihar in the matter of giving promotion to the person working under the Govt. of Jharkhand for the period on which he was serving in the erstwhile State of Bihar .

Shri S.I. Minz has been advised to submit fresh representation to the Additional Chief Secretary, Deptt. Of Mines and Geology with a copy to the Commission giving details of the Govt. order on promotion, seniority list of the Distt. Mining officer of Govt. of Bihar and Govt. of Jharkhand and other documents relating to the case.

Shri S.R. Tiriya, Research Officer, NCST. Ranchi has been asked by the Hon'ble Chairman to sought reply from the Additional Chief Secretary, Mines and Geology Deptt, Govt. of Jharkhand on the points raised during the discussion in affidavit giving 15 days time.

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डा० रामेश्वर उराव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi