



S.P. - 2300

Government of India
National Commission for Scheduled Tribes
6th floor, 'B' Wing, Loknayak Bhawan
Khan market, New Delhi-110 003.

एक प्रत
SPBBD POST

Dated:-05.06.2012

No.RU-IV/Service/Defence-19/2007

To

The Secretary
Ministry of Defence
Room No. 101-A, South Block,
New Delhi-110011

Sub: Representation from Shri Rajendra Oraon, Draughtsman
Gr.I(C), Dte, of Naval Design(SSG), New Delhi regarding
discrepancies in promotion for the grade of Chief Draughtsman
(C) in Navy.

Sir,

I am directed to refer to the Sitting held on 14.03.2012 in the
National Commission for Scheduled Tribes on the subject mentioned
above and to enclose a copy of the proceeding of the Sitting for
necessary action.

2. It is requested that action taken report may please be sent to the
Commission at an early date.

Yours faithfully,


(N. Balasubramanian)
Research Officer

Copy for information and necessary action to:-

1. The Chief of Personnel
IHQ, MOD (Navy),
'C' Wing 2nd Floor, Room No. 209-A
Sena Bhawan, New Delhi - 110011

Copy for information to:-

2. Shri Rajendra Oraon
Draughtsman Gr.I(C),
Dte. Of Naval Design (SSG),
New Delhi -110048

Received
R. Oraon
05/06/12

2447-49
5/6/12
जारी किया
ISSUED


Research Officer

ok

Proceeding of the Sitting held in the NCST on 14.03.2012 at 15.00 Hours to discuss the case of Shri Rajendra Oraon, Draughtsman Gr.I(C), Dte, of Naval Design (SSG), New Delhi regarding promotion to the Post of Chief Draughtsman(C).

The following were present:

NCST

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Smt. K.D. Bhansor, Deputy Director
3. Shri N. Balasubramanian, Research Officer

Ministry of Defence

1. Shri Ram Subhkg Singh, Joint Secretary
2. Shri A.G. Thaphyal, Vice Admiral, Chief of Personnel IHQ, MoD(N)
3. Rear Admiral Pritam Lal, SPB(C) IHQ, MoD(N)
4. Captian Vinay Kumar, PDCP IHQ, MoD(N)
5. Shri Rajagopalan, DCP IHQ, MoD(N)

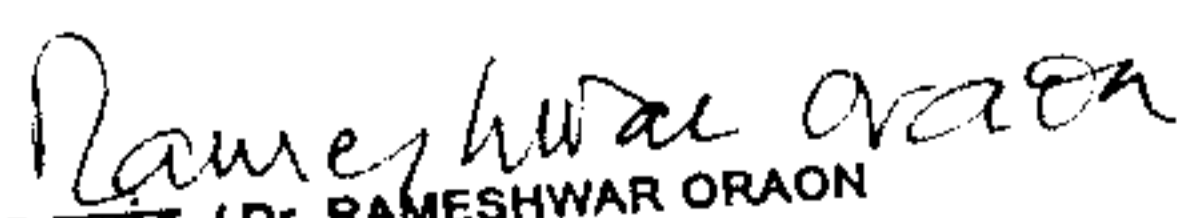
Petitioner

1. Shri Rajendra Oraon, Draughtsman Gr.I(C)

Issue: Representation of Shri Rajendra Oraon, Draughtsman Gr.I(C), Dte, of Naval Design (SSG), New Delhi regarding promotion to the post of Chief Draftsman (c).

Backgournd

1. A representation dated 17.12.2007 was received from Shri Rajendra Oraon, Draughtsman Gr.I(C), Dte, of Naval Design (SSG), New Delhi regarding discrepancies in his promotion to the grade of Chief Draughtsman (C). The petitioner alleged that there had been violation with regard to exchange of vacancies between ST and SC. NCST vide letter dated invited comments in the matter from the Chief of Personnel, IHQ, MOD(Navy), New Delhi on 19.12.2007 and 22.01.2008. Director (G), IH, M/o Defence (Navy) vide letter dated 07.02.2008 informed that the cadre of CDM (C) had a strength of 44. In accordance with the Model Roster of SC/ST, Point

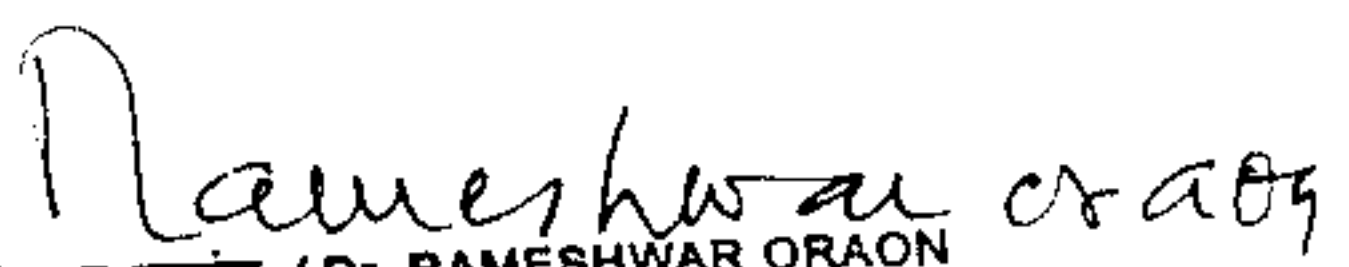

डा० रामेश्वर उराव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली / New Delhi

No.14, 28 & 40 were reserved for ST candidates. and no ST candidate was borne against these vacancies. The exchange of vacancies between SC&ST and vice-versa (in case of non-availability of candidate between belonging to the particular community), was non-permitted by the DOP&T vide O.M. No. 36012/17/2002-Estt (Res) dated 06.11.2003. However, prior to issuance of this order, the exchange of vacancies between SC&ST was permissible in terms of DOP&T O.M. No. 10/41/73-Est.(SCT) dated 20.07.1974 as amended vide OM No. 36021/7/75-Est. dated 25.02.1976. Under this proviso, two vacancies these belonged to ST candidates were filled by SC candidates in the DPC year 2003-04 prior to receipt of the DOP&T OM dated 06.11.2003. Prior to the DPC meeting, one vacancy of ST candidate was filled in the year 1995 by a SC candidate under the proviso of exchange of reservation. These cases were to be re-opened in terms of DOP&T OM No. 36012/17/2002-Esst (Res) dated 06.11.2003. Thus, 03 vacancies reserved for ST were occupied by the SC candidates. On both occasions, no eligible ST candidate was available within the zone of consideration. It was also intimated that even in the event of availability of vacancy of CDM to date for ST candidate, Shri Rajendra Oraon, D'Man-I(C) and another ST candidate viz Shri C. Lakra (who is senior to Shri Oraon) would not have been eligible for being considered for promotion as the names of these individuals didn't not fall within the prescribed zone of consideration for promotion to the selection post (05 times the number of vacancies). The reply of Directorate was communicated to the petitioner on 10.03.2008. Shri Oraon submitted a rejoinder on 16.04.2008 to NCST and sought the following clarifications.

- i) Reason of not maintaining ST quota and carry forward of the ST vacancies in last 4 DPC's, conducted by the Navy for the post CDM (C).
- ii) Not taking action for review DPC even after repeated representation of ST candidates against consideration of ineligible candidates (considered by mistake or intentional) and procedural irregularity committed by DPC.


2. In this regard a sitting was held by Hon'ble Member Shri T Samphel NCST and the following observations were made by the Commission.

- i) DOP &T OM No. 36012/17/2002-Estt.(Res.) dated 6/11/03 about non-permissibility of exchange between SC&ST has not been followed by the Department and DPC was held ignoring the said instructions.


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- ii) In the light of the above quoted OM, before any other action, the case should have been submitted for de-reservation. Thus, the stipulated instruction/guidelines on de-reservation have not been followed.
- iii) The exact shortfall on the basis of post based roster has not been identified. Rosters are not maintained as per the DOP&T OM No. 36012/2/96-Estt (Pers) dated 02.07.1997. The date of appointment has not proper replacement has been shown. No summary has been made. Roster not certified up by the Liaison Officer/competent authority.
- iv) The roster, as submitted to the Commission vide letter No. CP(G) 2621/CDM/Const dated 08.09.09, is not as per the DOP&T OM dated 02.07.97. Thus, it needs to be re-cast on an urgent basis.

3. The proceeding were sent to the Chief of Personnel IHQ, MOD (Navy) New Delhi on 03.11.2009 The MOD vide letter dated 24.02.2010 informed that the matter was being examined and necessary corrective action would be taken. The MOD further stated vide letter dated 18.10.2010 that proposal for creation of two supernumerary posts of CDM(Const) in the pre-revised pay scale of Rs.6500-10,500 w.e.f. 27 July 07 to accommodates two ST candidates has been taken up with the MOD. The proposal has been considered by the DOP&T who have forwarded the case to Min. of Finance, Deptt of Expenditure on 14.09.2010. All out efforts are being made to obtain approval of the Min of Finance for creation of supernumerary posts at an early date so that DPC can be held for considering promotion of Shri Rajendra Oraon to the post of CDM(Const). Further progress on the action taken shall be intimated on receipt of the decision of Min. of Finance. The petitioner was informed of the reply on 29.10.2010. The petitioner submitted another rejoinder dated 19.01.2011 The MOD responded vide letter dated 11.03.2011 that the Min. of Finance was requested to approve the proposal. The status of the case was informed to Shri Rajendra Oroan vide letter dated 23.03.2011. NCST vide letter dated 29.07.2011 asked Ministry of Defence to furnish action taken report. The MOD vide letter dated 17.08.2011 replied that the proposal for creation of two supernumerary posts of CDM(Const) in the pre-revised pay scale Rs.6500-10/500 revised to Rs.9300-34800 with Grade pay Rs.4600 was sent to Min. of Finance through MOD(Fin/Navy) has not been agreed to vide their Note No.A-11019/12/2010-EG dated 26.04.2011. However the case has been again taken up with Min of Finance vide HQs Note dated 09.04.2011.



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4. Taking cognigence into the matter that MOD has not followed the instructions on Reservation and the Hon'ble Chairperson fixed up a Sitting on 14.03.2012 with the Secretary, Min. of Defence to discuss the matter once again. The Secretary, Min. of Defence sought exemption and requested to allow Joint Secretary, Min. of Defence (Navy) and chief of personnel Naval Hqrs to attend the Sitting to discuss the matter on 14.03.2012.

Discussion

5. The Commission at the outset pointed out about the Sitting held in the NCST and the observation pointed out to Ministry of Defence about applicability of DoP&T rules on Reservation. The Joint Secretary, MOD(Navy) appraised the Commission that according to the discussion the matter has taken up with the Ministry of Finance for approval of two supernumerary posts of Chief Draughtsman (Navy). The Joint Secretary also mentioned that the case of Shri Rajendar Oraon was discussed in the Sitting held on 30/09/2009. He also further mentioned that the observations made by the Commission regarding the affirmative action by MOD to create supernumery posts of Chief Draftsman (Navy) but no result has come out of the exercise undertaken by MOD which is causing delay and harassment to ST candidates of their rightful dues.

6. Hon'ble Chairperson advised the Officers of MOD to pursue the matter with Ministry of Finance urgently so as to look into the delay and let the NCST know the reasons for non sanction of the posts so as to further up the matter with Ministry of Finance.


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