



Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, Loknaya Bhawan
Khan Market, New Delhi-110 003.

File No. MSM/3/2014/STGDH/SEHRMT/RU-I

Date: 08/12/2015

To

The Chairman,
New Delhi Municipal Corporation,
Palika Kendra Building,
Opposite Jantar Mantar,
Parliament Street,
New Delhi,
Fax No. 011 23743579.

Sub: Case of Shri Mohar Singh Meena & Others, N.D.M.C. Delhi regarding promotion to the post of Executive Engineer.

Sir,

I am directed to enclose a copy of the minutes of the Proceedings of the Sitting held in the NCST on 09/11/2015 on the above mentioned subject for information and further necessary action. Compliance Report may be submitted to the Commission as soon as possible.

Encl: As above.

Yours faithfully,

(Pramod Chand)

Deputy Secretary to the Govt. of India

Copy to:

Shri Mohar Singh Meena,
Assistant Engineer (Civil),
Flat No. 3, Netaji Nagar,
Market N.D. 23,
Delhi.

Copy for information to:

1. PS to Hon'ble Vice Chairperson, NCST
2. SSA NIC (for hosting on Commission's website)



सत्यमेव जयते

Government of India
National Commission for Scheduled Tribes


File No. MSM/3/2014/STGDH/SHERMT/RU-1

Sub: Minutes of the Proceedings of the Sitting held under the Chairmanship of Shri Ravi Thakur, Hon'ble Vice Chairperson, National Commission for Scheduled Tribes, Government of India, New Delhi to discuss the petition submitted by Shri Mohar Singh Meena & Others, Assistant Engineers working in NDMC, New Delhi for promotion to the grade of Executive Engineer in NDMC, on 09-11-2015 at 12.30 PM in the Commission.

S/Shri Mohar Singh Meena, C. L. Meena, Bhattu Lal Meena, L. P. Toppo and Harkesh Meena, Assistant Engineers (Civil) in the New Delhi Municipal Council (NDMC) vide their joint application dated 06-5-2014 has submitted that there are vacancies in the grade of Executive Engineers in NDMC and despite having vacancies they are not being considered for promotion to the grade of Executive Engineer. They have also submitted that they were earlier working as Assistant Engineers on adhoc basis for 8 years and were promoted on regular basis as Assistant Engineer with effect from 3-9-2013 and that the adhoc post held by them may also be counted for reckoning qualifying service for promotion to the grade of Executive Engineer.

2. Accordingly Secretary, NDMC were requested to submit their comments vide this Commission's letter dated 13-6-2014. NDMC vide their letter dated 7-8-2014 have intimated that the matter is sub-judice in the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi as the seniority list circulated on 13-6-2014 has been challenged by General category candidates as well as counter contested by ST candidates and hence no action can be taken. A copy of the same was forwarded by the commission to the applicant vide letter dated 21-8-2014 for their comments.

3. In response to that the applicants vide their letter dated 16-12-2014 have stated that NDMC is not submitting proper replies to the CAT and that the senior most AEs should be given the current duty charge of Executive Engineers and the current duty charge given to the ineligible officers should be withdrawn. On this application, Hon'ble vice Chairperson has decided to hold a sitting with Secretary, NDMC, New Delhi on 24-12-2014 at 4.30PM to settle the issue and notice to this effect were issued on 16-12-2015.


Ravi Thakur
Vice Chairperson
National Commission for Scheduled Tribes
Government of India
New Delhi

4. In the sitting held on 24-12-2014, Shri R. K. Gaur, Director (Personnel) and Shri G. K. Kochhar, Executive Engineer, NDMC attended. On hearing both the parties the commission has directed NDMC to submit the seniority list of regular Assistant Engineers (Civil) approved by the Competent Authority, explore the possibility of giving the petitioners at least the looking after charge as they are the senior most in the seniority list and submit compliance report to the Commission by 15-1-2015. Minutes of the sitting were issued on 6-1-2015. In compliance with the instructions contained in this Commission's letter dated 6-1-2015 NDMC has submitted their submissions vide letter dated 27-1-2015 and the applicants submitted their rejoinder vide their letter dated 26-2-2015.

5. It was conveyed to Secretary, NDMC vide this Commission's letter dated 11-3-2015 that the decision taken in the sitting held on 24-12-2014 and conveyed vide letter dated 6-1-2015 may be complied with and a compliance report submitted to the Commission on or before 15-3-2015 failing which it was desired by the Hon'ble Vice Chairperson to call the Chairman of NDMC for a hearing in this case. Director, NDMC in compliance to this letter dated 11-3-2015 has submitted vide their letter dated 19-3-2015 that the looking after charge entrusted to the junior general category officers have been withdrawn vide order dated 19-3-2015 and that the Civil Establishment Branch has been directed to come up with a viable proposal so that there is no discrimination with Assistant Engineers (Civil) belonging to Scheduled Tribe category officers of the Council. Director, NDMC also regretted the delay in submission of compliance report.

6. Vide order dated 15-5-2015, Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 4043/2013, MA 3075/2013, MA 3917/2014, MA 503/2015 and MA 1817/2014 filed by general category officers of NDMC disposed off the applications before them stating that no irregularity has been committed by the Department. In fact, the applicants had filed a representation against the DPC, which was disposed off vide order dated 17-2-2014.

7. Since no further action has been taken by NDMC, vide D.O. letter dated 25-5-2015, of Hon'ble vice Chairperson, NCST addressed to Secretary, NDMC it was desired to take immediate action to promote the senior most ST Officers to the grade of Executive Engineer. A copy of Hon'ble CAT's order dated 15-5-2015 was also endorsed to Secretary, NDMC. This letter was followed by reminder letters dated 24-6-2015, 3-9-2015 and 14-10-2015. However, NDMC vide their letter dated 1-10-2015 in response to D.O. letter dated 25-5-2015 has conveyed that the proposal to consider assignment of current duty charge of the post of Executive Engineer (Civil) to the senior most Assistant Engineers is being examined in view of the order dated 26-5-2015 of the Hon'ble High Court of Delhi in the Civil Writ Petition No. 5453/2015 in the case of Sanjeev Kumar Sharma and others Vs. NDMC. They have further added that since a number of objections have been received against the tentative seniority list of Assistant

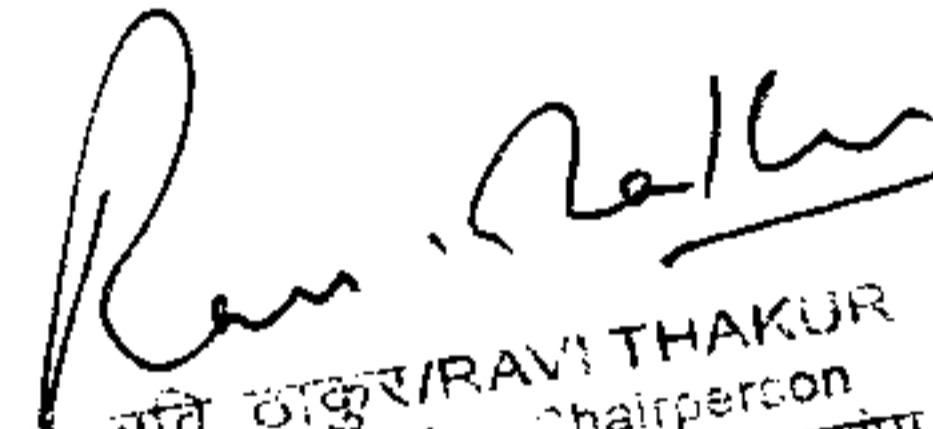
SECRETARY
NATIONAL COMMISSION FOR SCHEDULED TRIBES
NEW DELHI

Engineers issued by NDMC vide circular dated 13-8-2015, the aforesaid proposal for assigning current duty charge may take some time.

8. Since nothing has been forthcoming from NDMC, it was decided to hold a sitting on 9-11-2015 at 11.00AM with Chairman, NDMC and notice to this effect were issued on 15-10-2015. Shri Nand Lal Chawla, Joint Director (Civil Establishment) and Shri Darejar Singh, attended the hearing from the side of NDMC along with the applicants. Officers from NDMC have reiterated that the seniority list of Assistant Engineers are under revision and the same will be finalized soon say by 30-11-2015. They have further added that the Commission will be informed of the same by 7/12/2015.

9. The Commission has taken a very serious note of the attitude of NDMC towards the officers from the Scheduled Tribe community in safeguarding their interest. Hence while agreeing to the submissions made by the officers of NDMC the Commission has directed that there should not be any error in revisiting the seniority list of Assistant Engineers (Civil) of NDMC as far as the claims of applicants who are from the Scheduled Tribe community and as per the present seniority list issued by NDMC they are on top of the list. Commission should also be informed what parameters have been taken to review the seniority list and under what circumstances the present seniority list is being revisited. NDMC will submit the same to the National Commission for Scheduled Tribes as submitted by them.

10. The meeting ended with a vote of thanks to the Chair.


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi