



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. SB/1/2016/MCOM1/SEHRMT/RU-IV

Dated: 06.12.2018

To

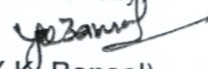
1. The Secretary,  
Ministry of culture,  
Room No. 502, 'C' Wing,  
Shastri Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi – 110 001.
2. The Director,  
Centre for Cultural Resources and Training (CCRT),  
15A, Sector -7,  
Dwarka,  
New Delhi – 110 075.

**Sub:** Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 14.11.2018 in the matter of Shri S. Baa, Ex-Deputy Director (Admn), Culture Resources and Training (CCRT) regarding harassment on ST employee.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 14.11.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

  
(Y.K. Bansal)  
Research Officer

Encl: As above

Copy to:

Shri S. Baa,  
20-C, Lane-1,  
Krishna Nagar,  
Safdurjung Enclave,  
New Delhi – 110 029.

 Copy to: - SAI, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SB/1/2016/MCOM1/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 14.11.2018 CHAIRED BY SHRI NAND KUMA SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI S. BAA, EX-DEPUTY DIRECTOR (ADMIN), CULTURE RESOURCES AND TRAINING (CCRT) REGARDING HARASSMENT AND FORCEFULLY IMPOSITION OF PENALTY OF COMPULSORY RETIREMENT BY THE AUTHORITIES OF CCRT UNDER AEGIS OF MINISTRY OF CULTURE.

Date of Sitting: 14.11.2018

List of officers present in sitting is Annexed.

Shri S. Baa, Ex-Deputy Director (Admin), Culture Resources and Training (CCRT), New Delhi had submitted a representation regarding his harassment and arbitrarily imposition of penalty of compulsory retirement by the authorities of CCRT under aegis of Ministry of Culture. He alleged that in 2006, he pointed out certain irregularities about appointment of some officials in the department and due to which he was transferred to the Regional Centre at Guwahati in the year 2008. When he objected about his illegal transfer, he was suspended on 06.02.2009. However, on the intervention of the Commission, his suspension order was revoked. But the Department had initiated an inquiry against him on fake charges. The petitioner further stated that the Hon'ble National Commission for Scheduled Tribes had directed CCRT authority to withdraw the Departmental proceedings, which was not complied with. Finally, the DG, CCRT had imposed penalty of compulsory retirement from services without conducting fair inquiry and without giving opportunity of producing his defence evidence vide order dated 26.08.2014. Thereafter, he had also submitted an appeal which was rejected by the Appellate Authority. It is pointed out that the Disciplinary Authority and Appellate Authority is the same who awarded the penalty. Thus, he was deprived from legitimate rights and harassed being a member of Scheduled Tribe community. He is still without job and without salary for last 17 months.

2. As per procedure, the case was taken up with the Secretary, Ministry of Culture and obtained a report. Thereafter Sittings were held in the case in the Commission.

3. It is pointed out that during the Sitting held on 20.05.2009 before the then Hon'ble Member Shri T. Sering Samphel, NCST the Commission had recommended that the posting of Shri Baa at Guwahati was temporary for a period of only six months and so, the Commission advised Shri Baa to inform CCRT that he was willing to join duty at Guwahati so that Director General, CCRT could place the matter of revocation of suspension of Shri Baa before the Executive Committee for approval. The Commission also expressed the view that the proposal of disciplinary proceedings

against Shri Baa should be withdrawn after he complied with the transfer order and joins duty at Guwahati. The Commission further recommended that the transfer policy should be finalized by CCRT without further delay.

As per Commission's recommendations, the petitioner's suspension was revoked and he joined duty. But, the Departmental proceedings were not withdrawn and a penalty of compulsory retirement was imposed against him.

4. On re-approaching by the petitioner, the Commission again held a Sitting on 13.10.2017 wherein the CCRT authority was advised to consider the petitioner's appeal against punishment of compulsory retirement.

5. Since, the Commission's recommendations were also not considered by the Department concerned, therefore, the Hon'ble Chairperson has fixed a Sitting on 14.11.2018. During the Sitting, the Joint Secretary, Ministry of Culture and Director (in-charge), CCRT appeared before the Commission. The petitioner was also present.

6. In Sitting, the petitioner has submitted the grievances of his harassment and arbitrarily imposition of penalty.

6. The Joint Secretary, Ministry of Culture appraised the facts of the case before the Commission. He was stated that the matter was taken up with CCRT authority. The Ministry was informed that a Review Petition dated 23.10.2017 submitted by Shri Baa to the Review Authority, CCRT was placed as an Agenda Item before the Society, CCRT in its meeting which was held on 06.06.2018. The Society, CCRT after carefully considering and deliberating on petitioner's Review Petition observed that the petitioner, Shri Baa had already been given two personal hearings firstly by the Executive Committee, CCRT in its capacity as the Disciplinary Authority, before passing the orders of penalty and secondly by the Society, CCRT, at the time of consideration of his Appeal against the orders of the Executive Committee. The Committee also observed that no new material or evidence could be produced or was not available at the time of passing the order by the Disciplinary/Appellate Authority, which has the effect of changing the nature of the case, has been brought out by Shri Baa in his present Review Petition. Therefore, the Society, CCRT, decided that his Review Petition was devoid of any merit and as the disciplinary/appeal authority were concluded strictly as per the rules and instructions on the subject, after giving him an opportunity on both the occasions to present his case, in person, his Review Petition was rejected.

However, the Ministry of Culture has reviewed the case and found that there was flaw in conduction of Departmental proceedings as the Disciplinary Authority and Appellate Authority were same person. Hence, the Ministry has directed the CCRT Management to conduct a fresh inquiry into the case.



Nand Kumar Sai  
Chairperson

National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

7. The case was discussed in detail, the Commission observed that the petitioner had complied with orders of transfer and joined duties at transferred place. However, the Disciplinary authority had imposed penalty of compulsory retirement from services without conducting fair inquiry and without providing opportunity to defend his case during the Departmental proceedings. The Commission also noted that there was a flaw in the conduction of the departmental inquiry. The Disciplinary Authority and the Appellate Authority was the same person who decided the matter. No evidence/documents was taken into consideration at the time of inquiry. Moreover, the imposition of punishment of compulsory retirement was very harsh punishment to the Scheduled Tribe petitioner which is not commensurate in proportionality with the nature of misdemeanor. There is also no case of misappropriation of funds or any financial irregularities. The Joint Secretary, Ministry of Culture and officers of the CCRT have also accepted that there was a flaw in the Departmental inquiry as the Disciplinary Authority and Appellate Authority was the same person.

8. In view of the above, the Commission recommends that:

- (i) The Ministry of Culture should form a Special Inquiry Committee with one ST member to conduct a fresh inquiry against S. Baa and settle the matter sympathetically. There should be officials from CCRT also in the Special Committee.
- (ii) The petitioner will submit all relevant documents and his defence evidence before the Committee to decide the matter.
- (iii) The Secretary, Ministry of Culture will ensure that no injustice should be meted out against the petitioner on caste ground while deciding of the matter.
- (iv) The Special Committee should also examine the suspension matter of the petitioner and ensure that suspension period and 'Dies-non' period is regularized.
- (v) Ministry of Culture should ensure that the recommendations made by the Commission after its Sitting held on 18.05.2009 should be implemented fully.
- (vi) The CCRT and Ministry of Culture should ensure that the entire inquiry process should be completed within 45 days period and an action taken report should be submitted before the Commission thereafter.

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Nand Kumar Sai  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. SB/1/2016/MCOM1/SEHRMT/RU-IV)

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri S.K. Ratho, Joint Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R. Meena, Sr. Investigator

**Officers of CCRT and Ministry of Culture**

1. Shri Pranav Khullar, Joint Secretary, Ministry of Culture
2. Dr. Chetan Singh, Director (I/c)
3. Shri Mukesh, DC (Academy)

**Petitioner**

Shri S. Baa