



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)

File No. RPE/3/2018/MCOL1/SEOTH/RU-IV

Dated: 16.05.2019

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To,

**The Chairman cum Managing Director,**  
Central Coalfields Limited,  
Dharbanga House,  
Ranchi – 834 001 (Jharkhand).

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 29.04.2019 in the matter of Smt. Ranjita Pushpa Ekka, Clerk Grade-III, CCL, Ramgarh, Jharkhand regarding demotion of service from Clerk Grade-III to General Mazdoor Category-1.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 29.04.2019 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, 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 Member, NCST.

(Encl. As above)

Yours faithfully,

*(Signature)*  
(Y.K. Bansal)  
Research Officer  
Ph. 24645826

Copy to:

Smt. Ranjita Pushpa Ekka,  
Clerk Grade-III (P.I.S. No. 14508592)  
CCL Urimari Pariyojana,  
Ambedkar Road, Sayal,  
Post – Sayal, District – Ramgarh,  
Jharkhand – 829 125.

For information & upload at Commission's website - Lr

NIC, NCST



NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RPE/3/2018/MCOL1/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 29.04.2019 AT 2.30 P.M. CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SMT. RANJITA PUSHPA EKKA, CLERK GRADE-III, CCL URIMARI PARIYOJANA, RAMGARH, JHARKHAND REGARDING DEMOTION FROM THE POST OF CLERK GRADE – III TO GENERAL MAZDOOR CATEGORY – I VIDE OFFICE ORDER DATED 24.04.2018.

List of officers present in sitting is Annexed.

Date of Sitting – 29.04.2019

The petitioner Smt. Ranjita Pushpa Ekka, Jharkhand has submitted the grievances of demotion from the post of Clerk Grade – III to General Mazdoor Category – I vide Office order dated 24.04.2018. She alleged that she got promotion as Clerk Grade-III through CCL's internal selection procedure vide CCL Office Order 06.10.2016 and she posted at CCL, Urimari Project. However, after serving one and six month to the post of Clerk Grade – III, she demoted to the lower post of General Mazdoor Category – 1 as per Office Order dated 24.04.2018. The demotion was done without giving any notice and any departmental proceedings. There was also no charges of any irregularities against her. Thus she was given punishment of demotion without any fault from her side. In addition, as per official orders, employees worked with 90 days regular on one post, legally his/her posting would be bonafied. Thereafter, she submitted several representations for restoration of her services as clerk Grade-III. But no action has been taken by the CCL Management.

2. The NCST vide its notice dated 03.07.2018 sought a report from the CCL authority. However, no report was received from CCL Management. Therefore, a sitting was fixed on 29.04.2019 before Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST to have a discussion in the case.

3. As schedule, the sitting was held on 29.04.2019. The Chairman cum Managing Director and General Manager (Pers & IR), Central Coalfield Limited appeared. The petitioner was also present.

4. In sitting, the petitioner informed the Commission that vide CCL order dated 06.10.2018 she was promoted to the post of Clerk Grade-III through internal selection procedure. However, being serving on the post for 18 months, she was demoted to the post of General Mazdoor Category – I without any issuance of Memo and Departmental inquiry vide CCL order dated 24.04.2018. Thus, without any fault from her side, she was awarded a harsh punishment of demotion. In addition, the CCL Management has posted her as General Mazdoor Category-I in

  
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New Delhi




Security Section being ignoring her capability and woman status. Against this posting order, she has approached to the Hon'ble High Court of Jharkhand. If her notional promotion as Clerk Grade-III from the retrospective date is considered, and she posted at relevant section, then she will withdraw the Court case.

5. The General Manager (Pers & IR), CCL informed the Commission that as against the sanctioned post and available of vacancy for the post of Clerk Grade-III in the Manpower budget for the year 2015-16, a written test was held on 31.03.2016 followed by interview on 09.04.2016. Thereafter, based on the merit, the DPC recommended the selection of the petitioner along with two others for the said post. The CCL Admn then issued promotion order vide office order dated 06.10.2016. In the meanwhile, another ST candidate namely Shri Babulal Manjhi who appeared in the written and interview for selection to the post of Clerk Grade-III registered his grievances over his non selection to the said post before the Hon'ble NCST. Thereafter, based on the Commission's recommendations, the entire selection process was reviewed. Upon re-scrutiny of the written test sheet for the post of Clerk Grade-III, it was found that Shri Babulal Manjhi had rightly answered one of the question, which was erroneously marked as wrong in his answer sheet. Hence, upon noticing the mistake, the same was corrected and by virtue of which, Shri Babulal Manjhi scored marked of 66.66% which was equal to the marks scored by the petitioner, Smt. Ekka. Since, Shri Manjhi was appointed prior to Smt. Ekka and the post was limited. Therefore, being considering his seniority, Shri Manjhi was given promotion to the post of Clerk Grade – III vide office order dated 24.04.2018. Thus, the promotion order of Smt. Ekka was withdrawn by issuing notice of seeking clarification. It is further stated that the wrong promotion/selection are always liable to be stroked-down and in application of the said settled Principle of Law, the post of Clerk Grade-III offered to Smt. Ekka on selection has been withdrawn after following the due process of law. In addition, the petitioner Smt. Ekka has filed a Writ Petition into the matter before the Hon'ble High Court of Jharkhand under WP No. 6410/2018 and the matter is subjudice.

The General Manager (Pers & IR), CCL further informed that the petitioner's promotion case will be considered on availability of vacancies. In this regard, the CCL Admn. will re-access the vacancy position of Manpower Budget. Therefore, the CCL may be given four month time for considering petitioner's promotion to the post of Clerk Grade-III. In addition, the petitioner's posting at her choice place will be considered.

6. The petitioner objected the Department's version. She was stated that she got promotion through due process of selection and worked to the post of Clerk Grade – III for 18 months. Thus, in case of her demotion matter, there was no fault from her side. Regarding Court case, she filed Writ Petition against her posting order in Security Section. There is no link in between her demotion case. She should be considered her notional promotion w.e.f. 06.10.2016.

  
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7. The case was discussed in detail. The Commission observed that the petitioner Smt. Ekka was promoted to the post of Clerk Grade-III after due official selection process vide CCL office order No. 4498 dated 06.10.2016. She also served for the said post for 18 months. But, due to mistake of CCL Management, she was demoted vide CCL order dated 24.04.2018. During the sitting, the CMD of CCL assured the Commission that her case will be looked into sympathetically and she will be adjusted in the post of Clerk Grade within a period of three to four months.

8. The Commission, therefore recommends as follows:

- The CCL management will consider the petitioner's promotion to the post of Clerk Grade after re-accessing of vacancy position within four month period and will take necessary action to grant promotion in positive manner on the basis of her earlier selection process.
- The petitioner's posting at her choice place will be considered immediately and necessary orders in this regard will be issued accordingly. She should not be posted in Security Section.
- The CCL Management will ensure that there should be no injustice meted out against the ST petitioner and her grievances should be settled in affirmative way.
- The petitioner will also give an undertaking that she will withdraw the Court case once her promotion is confirmed.
- An action taken report on the Commission's recommendations along with promotion orders should be submitted to the Commission within 4 months.

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. PRE/3/2018/MCOL1/SEOTH/RU-IV)

List of participants

NCST

1. Smt Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Sudhir Atram, PA to Hon'ble Member (MCI)
4. Shri Y.K. Bansal, Research Officer
5. Shri H.R. Meena, Sr. Investigator

Officers of CCL

1. Shri Gopal Singh, CMD
2. Shri Umesh Singh, GM (Pers & IR)

Petitioner

1. Miss Ranjita Pushpa Ekka
2. Shri Baldeo Kumar