



सत्यमेव जयते

भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

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

File No. J/1/2019/STGUP/SEHRMT/RU-I

Dated: 20/11/2019

To,

1. **The Managing Director,**
Noida Metro Rail Corporation Ltd,
Block- III, 3rd Floor,
Ganga Shopping Complex, Sector- 29,
Noida, Gautam Budh Nagar,
(Uttar Pradesh)- 201301
(Ph: 0120- 4344483)
(Fax: 0120- 4344485)
2. **The Executive Director,**
Noida Metro Rail Corporation Ltd,
Block- III, 3rd Floor,
Ganga Shopping Complex, Sector- 29,
Noida, Gautam Budh Nagar,
(Uttar Pradesh)- 201301
(Ph: 0120- 4344483)
(Fax: 0120- 4344485)

Sub: Representation dated 09.08.2019 of Ms. Jyoti, Station Controller in Noida Metro Rail Corporation Ltd, regarding harassment of ST women employee by AGM (HR) of NMRC.

Sir,

I am directed to refer to the subject cited above and to enclose copy of minutes of Sitting held on 18/10/2019 at 12:30 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairman, National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi-110003 in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(S.P.Meena)

Assistant Director

Tel: 011-24641640.

Copy to:

Ms. Jyoti,
B-340, B- Block,
Sector-19, Noida,
(Uttar Pradesh)- 201301
(Mob: 7840036598)

Copy for information to:

1. PS to Hon'ble Chairperson.
2. NIC (please upload on the Commission's website and also send the e-mail to concerned)

Government of India
National Commission for Scheduled Tribes

Minutes of sitting held in the NCST's Headquarters on 18/10/2019 at 12:30 PM under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Ms. Jyoti, Station Controller in Noida Metro Rail Corporation Ltd, regarding harassment of ST women employee by AGM (HR) of NMRC.

(F. No. J/1/2019/STGUP/SEHRMT/RU-I)


List of participants is annexed.

Ms. Jyoti, Station Controller in Noida Metro Rail Corporation Ltd, vide representation dated 09.08.2019 had alleged that " the AGM (HR) (Shri Rajnish Pandey) stalking me, passing un-wanted comments/ lewd remarks while passing through the corridor or whenever wished courtesy. In addition to this on 24.04.2019 when both ED and DGM were on tour, Shri R. Pandey called me to his cabin and asked to sit there. In that period discussed many things by Shri R. Pandey and said in Hindi "Acha- Acha tum Logon ka Kamara Sajati ho" (Ok you decorate people's room) and told "Kabhi humara bhi sajabo" with a sarcastic smile. I immediately left his cabin and came out crying. I did not know how to handle this situation. I was so tensed and fearful". Shri R. Pandey is AGM (HR) and also the CVO of NMRC and heading HR Department. This person tried to outrage modesty being from ST category and exploits. Hence, necessary action may be taken against Shri R. Pandey as per Law.

The NCST referred the matter to Managing Director and Executive Director, Noida Metro Rail Corporation (NMRC) Noida on 06.09.2019 with request to submit the facts and comments within 10 days. The NMRC vide letter No. NMRC/ICC/5615 dated 19.09.2019 has intimated that an Internal Complaint Committee has been set up on 23.08.2019. The proceedings in the matter are under veil and the NCST will be informed about the progress. The Hon'ble Chairperson fixed the sitting for 18.10.2019 at 12.30 PM to discuss the issue with the Managing Director and Executive Director of Noida Metro and petitioner to resolve the issue. The sitting notice issued on 07.10.2019.

The Managing Director, NMRC vide letter No. NMRC/प्रॉनि/ फॉस/ ICC/02/2019/2530 dated 17.10.2019 had deputed Executive Director, NMRC to attend the sitting. The Executive Director and Presiding officer along with two Members of Internal Complaint Committee set up by NMRC were appeared before the Commission. The petitioner was also present on 18.10.2019 in the day of sitting.

The Hon'ble Chairperson asked the petitioner to explain grievances and problems. The petitioner in tensed and fearful condition reiterated the allegation raised in the representation dated 09.08.2019 and


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

demanded for fair justice. The Hon'ble Chairperson asked the representative of NMRC to explain the action taken by their Department in the matter. Representative of NMRC informed that an Internal Committee has been set up by the NMRC to find out the facts in the complaint. The Committee will submit its report very soon.

The Commission observed that head of Committee having the lower status than the accused. Therefore, it will be few possibilities to do justice in the case. This case appears to be registered under SC/ST (Prevention of Atrocities) Act, 1989 against Shri Rajnish Pandey, AGM (HR) NMRC.

After detailed discussions with the representative of NMRC and petitioner, Commission recommends that action taken report on the following points be submitted by NMRC within 15 days to the NCST.

- a) The Internal Complaint Committee should be re-constituted with Officer Senior to AGM level. Preferably, MD of NMRC should chair the Committee and submit the report within two weeks. If found guilty, initiate action against accused Shri Rajnish Pandey, as per Law.
- b) The petitioner should be given her choice posting and other protection/safety measures as required.

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18.11.19

श्री. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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(F. No. J/1/2019/STGUP/SEHRMT/RU-I)

List of participants of the sitting held on 18/10/2019 at 12:30 PM under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Ms. Jyoti, Station Controller in Noida Metro Rail Corporation Ltd, regarding harassment of ST women employee by AGM (HR) of NMRC.

I National Commission for Scheduled Tribes

1. Dr. Nand Kumar Sai, In Chair
Hon'ble Chairperson
2. Shri A.K. Singh,
Secretary
3. Shri S.K. Ratho,
Joint Secretary
4. Dr. Lalit Latta,
Director
5. Shri Rajeshwar Kumar,
Assistant Director
6. Shri R.S. Misra,
Senior Investigator

II Noida Metro Rail Corporation Ltd, Noida

1. Shri P.D. Upadhyaya,
Executive Director
2. Presiding officer and two Members of Internal
Complaint Committee set up by NMRC in the case.

III Petitioner

Ms. Jyoti