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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. SHR/1/2019/MDEF2/SEPROM/RU-IV

Dated: 06.12.2019

To,

1. **The Secretary,**
Ministry of Defence,
Room No. 101-A, South Block,
New Delhi – 110 011.
2. **The Engineer-in-Chief,**
Military Engineering Services,
Engineer-in-Chief's Branch,
Integrated HQ of MoD (Army),
Kashmir House,
New Delhi – 110 011.

Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 13.11.2019 in the case of Shri Shri S. Hemanth Raju, Asstt. General Secretary, All India MES SC/ST Civilian Engineers Association, CHQ, New Delhi regarding non implementation of reservation in promotion form Assistant Executive Engineer (AEE) to Executive Engineer (EE) and non conducting of DPC for promotion from Assistant Engineer (AE) to Executive Engineer (EE) for the vacancy year 2016-17, 2017-18, 2019 and 2020 and fixation of seniority in MES, Ministry of Defence.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 13.11.2019 under the Chairmanship of Dr. 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 within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer
Ph. No. 011-24645826

(Encl. As above)

Copy to:-

Shri. S. Hemanth Raju, JE (Civil),
Assistant General Secretary,
Flat No. 49, Plot No. 16,
Sector – 12, Park View Apartments,
Dwarka, New Delhi – 110 078.

Copy to
NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SHR/1/2019/MDEF5/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 13.11.2019 AT 02.00 P.M. CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI S. HEMANTH RAJU, GENERAL SECRETARY, AMBEDKAR MES EMPLOYEES WELFARE ASSOCIATION, CHQ, NEW DELHI REGARDING NON IMPLEMENTATION OF RESERVATION IN PROMOTION FROM ASSISTANT CUTIVE ENGINEER (AEE) TO EXECUTIVE ENGINEER (EE) AND NON CONDUCTING OF DPC FOR PROMOTION FROM ASSISTANT ENGINEER (AE) TO EXECUTIVE ENGINEER (EE) FOR THE VACANCY YEAR 2016-17, 2017-18, 2018-19 AND 2019- 20 AND FIXATION OF SENIORITY IN MES, MINISTRY OF DEFENCE.

List of officers present in sitting is Annexed.

Date of Sitting – 13.11.2019

1. The petitioner Shri Hemanth Raju vide his representation dated 20.10.2019 has submitted the grievances regarding non-implementation of reservation policy in promotion from Assistant Executive Engineer (AEE) to Executive Engineer and Assistant Engineer (AE) to Executive Engineer (EE). He represented the following grievances.

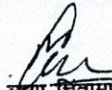
- (i) Non-conducting DPC for promotion from Assistant Engineer (AE) to Executive Engineer (EE) for the vacancy year 2016-17, 2017-18, 2019 & 2020 along with AEE to EE.
- (ii) Fixing of seniority, pay, EE (NFSG) promotion and all other benefits at par juniors for recently promoted SC/ST Executive Engineer (EE) for the vacancy year 2012 to 2015.
- (iii) Non- implement of reservation in promotion from AEE to EE.

2. He requested the Commission that the above said long outstanding issue will be resolved positively on priority bases so that large number of eligible SC/ST officers may not be unduly deprived from their Constitutional rights, natural justice and social status.

3. As per procedure, the representation is to be referred to the Secretary, Ministry of Defence, New Delhi and the Engineer-in-Chief, MES, Engineer-in-Chief's Branch, New Delhi for report and comments on 03.09.2019.

4. A report dated 30.09.2019 received from MES wherein it was informed that the process for conduct of DPC from AE to EE for the vacancy year 2016-17, 2017-18, 2018-19, 2019 & 2020 is already in hand and updation of AISL, category wise calculation of vacancies, etc are in progress. However, certain ongoing court cases related to promotions from AE to EE are highlighted for putting issue of DPC in correct perspective. The last DPC from AE to EE was approved on 27 May 2019, subject to outcome of ongoing court cases.

The promotion from AE to EE are governed by SRO 9/2016 issued on 26 March, 2016. The ratio defined as per SRO is 55% of the post to be filled on selection basis from the grade of AEE and 45% of the posts to be filled on selection basis from the grade of AE. The above ratio is applicable for AEE's joining the department after issue of this SRO i.e. 26 Mar 2016. Benefits of executive tenure has been extended to 14 eligible officer as


श्रीमती माया चिंतामणि इन्वनाते
Smt. Maya Chintamni Inwate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली / New Delhi

per letter dated 28 Jun 2019 and 08 Aug 2019. Remaining eligible officers have been given executive appointment as per letter dated 16.09.2019. As far as NFSG promotion are concerned the same will be extended to all eligible officers in terms of DoPT OM dated 06.06.2000. As per para 3.1 chapter 3 of Brochure on reservation for SC/ST issued vide DoPT OM dated 23 Jan 2013, there is no reservation in case of promotion by selection from Group A post to another Group A post.

5. Since, the Department's report was found to be unsatisfactory and therefore, a sitting was fixed on 13.11.2019 to have a discussion into the case in the Commission.

6. As per scheduled the sitting was held on 13.11.2019. In sitting the Joint Secretary, (Works), Ministry of Defence, The DDG (Pers), MES, Ministry of Defence, Deputy Secretary, (Works-II), Ministry of Defence, Director (DPC), Engineer-in-Chief's Branch, MES, Ministry of Defence and Joint Director, Ministry of Defence along with the petitioners were present.


7. In sitting the petitioner raised the grievances of non-implementation of reservation policy in promotion of STs from Assistant Executive Engineer (AEE) to Executive Engineer (EE) and non-conducting of DPC for promotion from Assistant Engineer (AE) to Executive Engineer (EE) for the vacancy year 2016-17, 2017-18, 2018-19 and 2019-20 and fixation of seniority in MES, Ministry of Defence. He was stated that the DPC for the vacancy year 2012 to 2015 was conducted in the year 2015 and promotion orders were issued on 27.05.2019, after intervention of the Hon'ble Commission for STs and Parliamentary Committee for SCs and STs. The reason behind for delay in conduction of DPC was that a large number of candidates belonging to SCs/ STs categories were senior in the cadre. No DPC for the vacancy year 2016 onwards were conducted so far. Due to this a large number of SCs/ STs incumbents become deprived from promotion.

8. The DDG (Pers), Ministry of Defence in its submission has reported that the reasons of delay in conduction of DPC was due to pendency of Court cases. However, the Department has cleared all the promotions for the vacancy year 2012 to 2015, by promoting 122 candidates from Assistant Engineer to Executive Engineer on 27.05.2019. The promotions for the vacancy year 2016 to 2019 is under consideration as the Department has already initiated process to collect all requisite documents required for conduction of DPC. There is no discrimination on caste ground against any of the employee.


9. The case was discussed in detail. The Commission observed that the promotions of the STs to the post of Assistant Engineer (AE) to Executive Engineer (EE) have already been delayed. The Department has also vacancies. As per the Commission's intervention, the Department has also cleared promotions of STs against vacancy year 2012 to 2015.

In the light of the discussion held and submission made by the petitioner concerned and Department concerned, the Commission recommends that:

- The Ministry of Defence should expedite the conduction of DPC for the promotions of STs for the vacancy year 2015 to 2019 in time bound manner preferably two months' time and should take immediate action to issue promotion order of all eligible ST candidates.


श्रीमती भाया चिंतामणि ईवनाते
Smt. Maya Chintamni Inate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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- It should also be ensured that no injustice should be meted out against the eligible ST candidates and their rightful claim should be addressed without biased manner.
- Internal meeting in between officers of Ministry of Defence/ Department (MES) and representatives of Ambedkar MES Employees Welfare Association along with Liaison officer for SCs and STs should be held for resolving the issues relating to STs Employees.
- The minutes of the meeting be also be provided to the Commission as well as the Association Members for information and further action, if any.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 30 days from the receipt of the proceedings.


श्रीमती माया चिंतामण इन्नाते
Smt. Maya Chintamni Inate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
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National Commission for Scheduled Tribes

Case File No. SHR/1/2019/MDEF2/SEPROM/RU-IV

List of participants

Sitting held on 13.11.2019 at 02.00 P.M. in the case of Shri S. Hemanth Raju, Asstt. General Secretary, All India MES SC/ST Civilian Engineers Association, CHQ, New Delhi regarding non implementation of reservation in promotion from Assistant Executive Engineer (AEE) to Executive Engineer (EE) and non-conducting of DPC for promotion from Assistant Engineer (AE) to Executive Engineer (EE) for the vacancy year 2016-17, 2017-18, 2018-19 and 2019- 20 and fixation of seniority in MES, Ministry of Defence.

I National Commission for Scheduled Tribes

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| 1. | Shri Nand Kumar Sai, Hon'ble Chairperson | In Chair |
| 2. | Shri Hari Krishna Damor, Hon'ble Member | |
| 3. | Smt. Maya Chintamn Ivnate, Hon'ble Member | |
| 4. | Shri K. Touthang, Joint Secretary | |
| 5. | Shri Y.K. Bansal, Research Officer | |
| 6. | Shri Sudhir Atram, PS to Member (MCI) | |

Officers from Ministry of Defence

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| 1. | Smt Nazli J. Shayin, Joint Secretary, (Law), Ministry of Defence |
| 2. | Brig Anil Singh, DDG(Pers), MES, Ministry of Defence |
| 3. | Shri Vijay Malhotra, DS (W II), Ministry of Defence |
| 4. | Shri Akhilendra Singh, Director (DPC), E-M-C's Branch |
| 5. | Shri Anil Kumar, Jt. Dir, Ministry of Defence |

Petitioners

- | | |
|----|--|
| 1. | Shri S. Hemanth Raju, GS, Ambedkar MES Employees Welfare Association |
| 2. | Shri Jaswinder Singh, Area Executive Chandigarh Area, Ambedkar MES Employees Welfare Association |