



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. UST/1/2019/MFIN8/SEHRMT/RU-IV

Dated: 27.01.2020

To,

1. **The Secretary,**
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi – 110 001.
2. **The Director,**
National Institute of Financial Management(NIFM),
Ministry of Finance,
Sector-48, Pali Road,
Faridabad – 121 001 (Haryana).

Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 18.10.2019 in the matter of Shri Shri Uma Shankar Turkel, Assistant Gr.1, PGDM(FM) Cell, National Institute of Financial Management (NIFM), Ministry of Finance, Faridabad regarding harassment of ST employee in promotion, transfer and sanction of medical claim.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 18.10.2019 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 07 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Handwritten signature)
(Y.K. Bansal)
Research Officer.

Encl: As above

Copy to:-

Shri Uma Sankar Turkel,
Assistant Grade-1, PGDM (FM) Cell,
National Institute of Financial Management (NIFM),
Ministry of Finance,
Sector – 48, Pali Road, Faridabad – 121 001 (Haryana).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. UST/1/2019/MFIN9/SEHRMT/RU-IV

PROCEEDINGS OF MEETING HELD ON 18.10.2019 UNDER THE CHAIRMANSHIP OF DR. NAND KUMAR SAI HON'BLE CHAIRPERSON, NCST IN THE CASE OF SHRI UMA SHANKAR TURKEL, ASSISTANT GRADE-1, PGDM (FM) CELL, NATIONAL INSTITUTE OF FINANCIAL MANAGEMENT (NIFM), M/O FINANCE, FARIDABAD REGARDING HARASSMENT OF ST EMPLOYEE IN PROMOTION, TRANSFER AND SANCTION OF MEDICAL CLAIMS.

Date of sitting: 18.10.2019

List of officers present in sitting is Annexed

The petitioner Shri Uma Shankar Turkel, Asst. Grade-I, NIFM, Faridabad vide his representation dated 25.02.2019 has submitted a representation before the Commission regarding harassment of ST employee in the matters of promotion, transfer and sanction of medical claims.

The petitioner has submitted the following grievances.

- a. He had joined in NIFM on 30.09.1998 and he got first promotion as Asstt. Grade -1 on 05.12.2018 after a gap of 20 years. On the other hand, general category employees got 2-3 promotions during 30.09.1998 to 05.12.2018. He is only ST candidate in the institutes and thus as the case was in isolation and absolute minority he was maliciously discriminated in the matters of regular and ad-hoc promotion(s) respectively. In addition, while he was eligible for promotion to the post of Assistant Grade-I, in the year w.e.f. 2007 & 2011 respectively and there was one vacancy also available in the cadre, but he was not promoted, such promotions in the given time awarded to ineligible employees of NIFM. However, he was given promotion only later w.e.f. 05.12.2018, (after 20 years) and that too by denying promotion with retrospective effect.
- b. He was harassed in the matters of transfer / posting, He has been frequently transferred in various sections in the Institute while no other official was transferred. The institute neither has, nor follows any desk transfer policy. Recently, he was transferred to the non-significant section i.e. Library Section which is not as per his assigned duties of job specification, nor as per his qualifications. Prior to this, the room in which the petitioner is given his seat/desk was locked arbitrarily and he was not given any opportunity to collect his documents/valuables from the room.
- c. He was discriminated in the matter of sanction of medical bill reimbursement. His medical bill was unnecessarily, unreasonably delayed and a large part of amount of Rs 1,03,602/- towards medical bill claim was withheld without assigning any speaking orders. It is mentioned here that he is suffering from Ankyolosing
- d. Spondylitis since last 8 years and his treatment had been going on from one of the panel doctor. Recently, the NIFM Management has altered old medical policy without approval from the competent government body, and introduced a new medical policy only to harass him and make him suffer immense physical and huge financial loss

25/10/19 1

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

- e. The petitioner submitted that he was targeted on account of his raising the issue that the Institute had financial irregularities in the matters of (i) willful excess and wrong payment to one consultant viz. Dr. Vinti Aggarwal, (ii) irregular pay fixation of 03 A.O.'s viz. Shri S.C. Chauhan, Shri Anil Kumar & Shri L.N. Sachdeva and 01 faculty member (A M Sherry) (iii) payment of double dearness allowance (DA) to 03 A.O.'s of NIFM and (iv) grant of training allowance to Shri K S Gopinath Narayan, Professor while pursuing full time PhD to faculty of NIFM.
- f. The petitioner submitted that the Institute was not maintaining reservation rosters for all cadre posts as per the Government's directions.
2. Earlier this matter was taken up with the NIFM management and subsequently a sitting was held on 18.06.2019 before the Hon'ble Chairperson, NCST. The Commission observed that the petitioner's grievances of medical claim and transfer were attended to and settled only upon intervention of NCST. However, the petitioner's grievance of promotion is yet to be resolved. The Commission, therefore, desired that the NIFM management would submit for examination of the Commission all requisite documents relating to the matter of petitioner's promotion and other relevant documents with copies of the running account of reservation rosters maintenance of each cadre/post in the institute w.e.f. 1994, till date. The Institute at their end will also examine the issue of granting of promotion to the petitioner from the due date i.e. 31.10.2007 with retrospective effect in place of his promotion w.e.f. 05.12.2018
3. In pursuance of the Commission's recommendation, the NIFM Management has submitted an action taken report wherein it was reported that the petitioner's promotion issue was re-examined that there are only 03 posts in Assistant Grade-I under promotion quota and promotions were seniority based. There was no induction in that post either through direct recruitment or through deputation. The promotions are also made on availability of vacancies. The cadre strength of Assistant Grade-I is 03 and as per DoPT guidelines L-shaped reservation roster of less than 14 posts in one cadre is applicable. As per this guidelines, the ST point is earmarked 14 point in direct recruitment and promotion. In the instant case, after availability of vacancy, the petitioner was granted promotion without waiting of roster ST point in the year 2018. The relevant documents were also appended with the reply. The reply was far from satisfactory.
4. The Commission found that the petitioner's promotion issues and other issues are yet to be settled. Hence, the Hon'ble Chairperson, NCST held a sitting on 18 10.2019 in the Commission.
5. In the sitting, the Additional Secretary, Department of Expenditure, Ministry of Finance, the Director, National Institute of Financial Management (NIFM) and one Professor, NIFM along with the petitioner were present,
6. In sitting, the petitioner raised the issue of his harassment by way of deliberately delaying of sanction of medical bill reimbursement, his unreasonably frequent transfers, willfully delayed promotion and undue harassment for reasons of petitioner raising the issues concerning financial irregularities. He stated that after intervention of the Commission, his grievances of reimbursement of medical bill and transfer have been settled. But, the NIFM management has not yet taken action against the erring officers who deliberately caused his miseries. His overdue promotion is not yet considered whereas ineligible candidates namely Smt. Deeps Kapoor and Shri Gulab Singh who were not recruited as Assistant Grade-I granted promotion as Assistant Grade-I. In addition, for promotion, 200 points reservation roster is

applicable, which has not been taken into consideration. Hence, the Commission needs to call for all relevant files of financial irregularities as mentioned by him in the earlier representation.

7. The Director, NIFM reported to the Commission that the Institute's administration has already submitted an action taken report on the petitioner's grievances, and according to which petitioner's two issues of medical bill reimbursement and transfer have been stated to have been settled. The Director mentioned that, she personally examined the matter and found that the promotion was made as per rule and that there was no violation of reservation policy. If required, the Commission would give its comments/views and the same will be complied with.
8. The case was discussed in detail.

The Hon'ble Chairperson, NCST felt that in most cases received by the Commission the candidate from the ST community are harassed in the hands of concerned authorities.


In the instant case of the petitioner Shri Uma Shankar Turkel of NIFM the same is found true on the following grounds:-

- (i) The petitioner's grievances of medical claim and transfer were resolved only after insisting intervention of the Commission.
- (ii) His promotion issue is yet to be resolved. While addressing the grievance of i.e. petitioner's promotion issue, it was noted that the petitioner has been promoted to the post of Assistant Grade - I. But, the petitioner's contention that he was eligible for regular promotion in the year 2007 & 2011 and for ad-hoc promotion in the year 2004 respectively, and that ineligible official were granted undue promotion needs probe. Hence, the promotion documents submitted by the NIFM need to be examined in the Commission.

The Hon'ble Chairperson, NCST reiterated that the NIFM management should be sensitive towards ST candidate i.e. the petitioner.

9. The Director, NIFM is accordingly advised to send the following documents to this Commission within 07 days:
 - (i) The relevant promotion documents i.e. seniority list, recruitment rules and running account of roster w.e.f. 1994, till date for the post of Assistant Grade - I and Grade-II along with justification of promotion of Smt. Deep Kapoor and Shri Gulab Singh.
 - (ii) Faulty pay-fixation of as mentioned above three A.O.'s and one faculty member of NIFM.
 - (iii) The MACP proceedings of the four beneficiary officers
 - (iv) Double Dearness Allowance (DA) case of above said 03 A.O.'s.

The Director NIFM is further advised to (i) have a professional approach towards for the feelings of employees from the ST community, and (ii) create an environment in which employees from ST community are not harassed by other employees, and (iii) identify the employees and fix their responsibilities for harassment of the petitioner i.e. Shri Uma Shankar Turkel. An action taken report must be submitted to this commission by NIFM within 07 days from the issue of the proceedings of the meeting of 18.06.2019.


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

List of Participants

NCST

Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
Shri S.K. Rath, Joint Secretary.
Shri Y.K. Bansal, Research Officer
Shri H.R. Meena, Sr. Investigator

Officers of NIFM M/O Finance, Faridabad

Ms. A.G. Mathew, Additional Secretary (P), Department of Expenditure
Ms. Meena Agarwal, Director, NIFM
Ms. Yashashri Shukla, Professor, NIFM

Petitioner

Shri Uma Shankar Turkel

Copy to: Secretary (Expenditure) M/o. Finance, North Block, New Delhi – For necessary orders to Director, NIFM for immediate compliance in the matter.

2. Uma Shankar Turkel, Assistant Grade – I

TK
15.01.2020

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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