



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

File No. NCST/SER-855/MOS/1/2023-RO-BHUV

Dated: - 29.01.2024

To,

Shri Rathendra Raman
Chairman
Syama Prasad Mookerjee Port,
15, Strand Road, Kolkata - 700001
Email:- chairman@kolkataporttrust.gov.in, Tel. No: 033-22305370

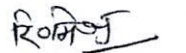
Sub: Representation Dated 27-04-2023 Received from Sri Bhuban Chandra Hansda, Secretary, Haldia Dock Complex Scheduled Tribes Employee's Welfare Association, Haldia Township, Purba Medinipur (WB) Pin-721607 regarding harassment by the Management of Haldia Complex, Syama Prasad Mookerjee Port, Kolkata in the matter of promotion.

महोदय,

I am directed to enclose herewith a copy of the minutes of meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on 18.1.2024 at 12:30 PM in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time from receipt of the letter for placing it before the Hon'ble Member.

Yours faithfully,


(आर.एस.मिश्र / R.S. Misra)
अनुसंधान अधिकारी / Research Officer
Tel:-24641640

Copy to:-

Shri Bhuban Chandra Hansda
Secretary,
Haldia Dock Complex Scheduled Tribes Employees Welfare Association
Cluster-V, Building No-25/B, Po-Haldia Township,
District - Purba Medinipur- 721607 (West Bengal)
Mobile No:9474508749p

Copy for information

1. PS to Hon'ble Member, NCST.
2. NIC, NCST for uploading on the website of the Commission.

**National Commission for Scheduled Tribes
(F. No. NCST/SER-855/MOS/1/2023-RO-BHUV)**

Minutes of the meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Dhena Tudu (Dy Manager) regarding non-promotion from Dy Manager to Sr Dy Manager.

Date of the Meeting: 18.01.2024, 12:30 PM
Participants in the Meeting - As per Annexure

Sri Bhuban Chandra Hansda, Secretary Haldia Dock Complex Scheduled Tribes Employee's Welfare Association, Haldia Township, Purba Medinipur (WB) Pin-721607 Submitted a representation Dated 27-04-2023 regarding non-promotion of Shri Dhena Tudu (Dy Manager) to Sr Dy Manager by Haldia Dock Complex, Syama Prasad Mukerjee Port, Kolkata.

Considering the gravity of the grievance, the Commission vide notice dated 20.07.2023 had referred the matter to Chairman, Syama Prasad Mukerjee Port for furnishing the facts and comments. Haldia Dock Complex furnished its reply vide letter dated 09-08-2023 and stated that the post required a degree or equivalent in Mechanical/Electrical Engineering, and although Sri D. Tudu has been in the post of Dy. Manager for more than 3 years, he holds a B. Sc. Hons. in Agriculture, not meeting the essential qualification.

The reply received from the Authority was forwarded to the Petitioner on 25-08-2023. The Petitioner vide Rejoinder dated 10-09-2023 had refuted the facts and comments. Petitioner's Rejoinder was forwarded to the Authority on 19-09-2023. Haldia Dock Complex vide its reply dated 12-10-2023 has stated that the RSP and RR of Haldia Dock Complex was changed in 2013. Before 2013, there was a relaxation and saving clause which allowed promotion of Sri Tudu twice even though he doesn't hold the required degree. After 2013 amendment, the new rules have removed this saving/relaxation clause. Hence Shri Tudu is ineligible for promotion.

The Commission decided to discuss the issue with Chairman, Syama Prasad Mukerjee Port and the Petitioner on 05.01.2024. The meeting could not be held as the supporting documents of the case were not available with the authorities. The NCST then decided to hold the discussion on 18.01.2024 with the Chairman, Syama Prasad Mukerjee Port and the Petitioner.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

In the meeting, the General Manager, Haldia Dock Complex was present on behalf of the Chairman, Syama Prasad Mukerjee Port. The Petitioner was also present. The Petitioner stated that he had been promoted twice based on the same qualification and now the department was expecting another degree at such a belated stage in his career. The Authority stated that they were bound by the RSP [Kolkata Port Trust Employee (Recruitment, Seniority and Promotion) Regulation, 2013] which had removed the Relaxation/Saving clause in the 2013 amendment.

The Commission observed that the Port Trust Authority has not properly made the provisions in the RSP 2013 and due to apparent lacunae in the Amendment Rules, the Petitioner is deprived of the benefits of the higher post.

After hearing both the sides, the Commission recommends the following and suggested that the action taken report may be submitted within 15 days from receipt of the minutes of the meeting –

1. The Syama Prasad Mukerjee Port Trust to review the extant amendment made to the RRs in 2013 holistically keeping in view the Principles of Natural Justice and make provisions in RSP for promotion of the Petitioner and other similarly placed employees who are in the feeder cadre of various posts and eligible for promotion as per the earlier RRs before the amendment;
2. Copies of the complete Recruitment Rules, 1995 by which the Petitioner was recruited and extant amendment Rules of 2013 by which Petitioner's promotion has been affected to be furnished to the Commission;
3. Separate Internal Grievance Committee for redressal of grievances of the ST Employees may also be constituted by the Port Authority, as per NCST Advisory issued in August, 2021 (Copy enclosed).


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Annexure

List of participants of the meeting held on 18.1.2024 at 12:30 PM under the Chairmanship of Shri Ananta Nayank, Hon'ble Member, NCST, New Delhi in the case of Sri Bhuban Chandra Hansda, Secretary, Haldia Dock Complex Scheduled Tribes Employee's Welfare Association, Haldia Township, Purba Medinipur regarding harassment by the Management of Haldia Complex, Syama Prasad Mookerjee Port, Kolkata in the matter of promotion.

I	<u>Syama Prasad Mookerjee Port, Kolkata</u>
	Shri Pravin Kumar Das, General Manager (M&S)
II	<u>Petitioner</u>
1.	Shri Bhuban Chandra Hansda
2.	Shri Dhena Tudu