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**Government of India
National Commission for Scheduled Tribes**

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

File No. BGN/24/2010/MPNT2/SEOTH/RU-IV

Dated: 08.09.2011

To

The Executive Director,
Central for Material for Electronics Technology (C-MET),
Panchwati, Offi. Pashan Road,
Pune - 411 008.
Maharashtra

Subject : Representation of Shri B. Gandhi Naik, Jangoan, Warangal Distt. regarding the case of Shri Bhukya Mahender for the post of Staff Technician - IV (ST) at C-MET, Pune.

Sir,

I am directed to refer to this Commission's letter of even number dated 27.05.2011 on the above subject and to forward herewith a copy of the proceedings of the hearing held in this Commission on 09.06.2011 for necessary action..

2. It is requested that action taken report with reference to the above proceedings may please be sent to this Commission within 30 days positively.

Yours faithfully,

(Mrs. K.D. Bhansor)
Deputy Director

Copy for information to :- Shri B. Gandhi Naik
Corporator, Jangaon Municipality,
5-6-57, Ambedkar Nagar,
Jangaon, WARANGAL - Andhra Pradesh

(Mrs. K.D. Bhansor)
Deputy Director

Recd.
1.4.2011
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Minutes of the sitting held in the NCST on 09.06.2011 at 11.30 A.M. to discuss the case of Shri Bhukya Mahender, Distt- Warangal (AP) for the post of Staff Technician – IV(ST) at Centre for Materials for Electronics Technology (C-MET), Pune.

The following were present:

NCST

1. Smt. K. Kamala Kumari, Hon'ble Member
2. Smt. K.D. Bhansor, Deputy Director
3. Shri N. Balasubramanian, Research Officer

Officers of C-MET, Pune

1. Dr. D.P. Amalnerkar, Executive Director
2. Shri G.B. Rao, Finance Incharge

Petitioners

1. Shri R.P. Naik
2. Shri Malya Naik

Issue: Representation dated 26.08.2010 from Shri B. Gandhi Naik regarding selection of Shri Bhukya Mahender, Distt- Warangal (AP) for the post of Staff Technician – IV(ST) at Centre for Materials for Electronics Technology (C-MET), Pune.

Brief of the case

A representation dated 26.08.2010 was received from Shri B. Gandhi Naik, 5-6-57, Ambedkar Nagar, Jangaon, Warangal Distt. (AP) regarding the selection of Shri Bhukya Mahender to the post of Staff Technician-IV (ST) at Centre for Materials for Electronics Technology, Pune. Shri Naik had alleged that Shri Bhukya Mahender, who was selected for the post reserved for ST category as departmental experienced candidate. But after selection Shri Bhukya Mahender has not been offered appointment letter. The petitioner further stated that the Govt. of India instructions states that experience does not require for SC/ST departmental candidates.

02. The National Commission for Scheduled Tribes invited comments on the alleged representation from the Executive Director, Centre for Material for Electronics Technology (C-MET), Pune on dated 31.08.2010. C-MET vide letter dated 17.09.2010 informed that:

K. Kamala Kumari
08/09/2011

के० कमला कुमारी / K. KAMALA KUMARI
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
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(i) That recruitment to the post of Staff Technical-IV (ST-IV) on Direct Recruitment basis in the pay band PB:2 Rs. 9300-34800 with GP:Rs 4200 (Group B Post) reserved for Scheduled Tribes (ST) category was advertised to fill the vacant post of ST-IV reserved for ST (backlog vacancy) along with other vacant posts and published in the Employment News dated 6-12 March, 2010, all editions of the New/India Express during last week of Feb. 2010 and in C-MET website with last date for receipt of applications as 05.04.2010. The post was in the Pay Band PB:9300-34800 with GP:Rs. 4200 (Group B Post). As per the Recruitment Rules, the prescribed essential qualification and experience for the post is Diploma in Engineering or B.Sc with 60% marks in the specified subject/discipline and 4 years experience in electronic material processing and characterization in an industrial organization/R&D lab. In response to the advertisement, 17 applications were received, out of which 14 from ST candidates and the remaining 3 from SC (2) and OBC (1) candidates. The screening committee under the Chairmanship of Prof S I Patil of University of Pune met on 18.06.2010 to screen the eligible candidates. The committee recommended the following candidates to be called for interview: (a) Shri Bhukya Mahender (after relaxing the experience fall short by 24 days) (b) Shri Venkateswarlu Malavath (subject to production of NOC). Based on the acceptances of the recommendations of the screening committee by the appointing authority i.e. Executive Director, the interview for the post was held on 15.07.2010 under the Chairmanship of Prof S. Jadkar, University of Pune. The selection committee recommended Shri Bhukya Mahender for the captioned post.

(ii) That Shri Bhukya Mahender is working as Project Staff from 1-9-08 to till date, under externally funded Project viz., "Establishment of testing facilities for the hazardous substances as per EU directive - RoHS" on consolidated emoluments and such engagement shall be upto the duration of the project i.e. co-terminus with the Project. Therefore, Shri B. Mahender was not a departmental candidate for the purpose of this recruitment.

(iii) that experience certificate submitted by Shri Bhukya Mahender at M/s Avra Laboratories Pvt. Limited, Hyderabad: The candidates in his application stated that he had worked as Chemist from 01.04.2008. Upon verification of the testimonials and certificates, it has been noticed that the experience certificate issued by M/s Avra Laboratories Pvt. Limited, Hyderabad did not contain a file

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reference no and date. Therefore, before accepting recommendations of the selection committee, with the approval of the Executive Director, a letter dated 05.08.2010 was issued to M/s Avra Laboratories Pvt. Ltd., Hyderabad requesting verification of the authenticity of the experience Certificate issued by them to Shri B. Mahender of House No. 5-6-40, IDA Area, Jangaon, Warangal, AP.

(iv) that in response to C-MET letter M/s Avra Laboratories, vide its letter No. AVRA/HR/2010 dated 10.08.2010, informed that Shri Mahender joined their organization as a Trained Chemist-production, through a contractor on 04.08.2008 with B.Sc qualification and has left the organization after one month without any intimation. It was further informed that company have to issued any Experience Certificate, and the certificate produced by the candidate is fake one and in this regard C-MET are going to file a complaint against him. Thus it was brought to the notice of the Executive Director that the candidate/applicant Shri Bhukya Mahender by furnishing wrong information and fake certificate himself violated the declaration given in the application (i.e. " I certify that the above information is correct and complete to the best of my knowledge and belief and nothing has been concealed/distorted. If at any time I am found to have concealed/distorted any material information, my appointment shall be liable to summary termination without notice/compensation in lieu thereof") and therefore, his candidature for selection becomes null and void.

03. that directions issued by Dept. of Pers & Trg vide its O.M. No. 11012/7/91-Estt(A) dated 19th May, 1993 regarding action against Govt. servants to be taken if they are found ineligible of unqualified for their initial recruitment. The matter has been examined in consultation with the Ministry of Law and Justice and it has now been decided that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service.

04. The C-Met in the above letter dated 17.09.2010 also wrote to NCST and suggested to cancel the present recruitment process for the post of Staff Technical-IV (reserved for ST category) at C-MET, Hyderabad and re-notify the vacancy for Scheduled Tribes (ST), after hearing from the NCST.

K. Kamala Kumari
 के० कमला कुमारी / K. KAMALA KUMARI 08/09/11
 सदस्य / Member
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05. The case was placed before the Hon'ble Member and there was protracted correspondence the C-MET vide letter dated 11.03.2011 and 16.03.2011 intimated that subject matter has further been examined in the light of Government instructions on furnishing false information by candidates, relaxation of experience etc. In order that all ST candidates get an equitable opportunity in the event of relaxation of experience, it has been decided to re-advertise the post of ST-IV as backlog ST vacancy.

06. The case was further examined and Commission noted that while framing Recruitment Rules the C-MET has not granted relaxation/concession to SC/ST candidate as per govt. instructions contained in A.R.O.M. 27/10/71-Estt(SCT), dated 05.09.1975 and O.M. No. D-1458/81-Estt.(SCT), dated 21.05.1981 about relaxation of qualification regarding experience in the case of SC/ST candidates.

07. The Hon'ble Member (Smt. K. Kamala Kumari) fixed up a sitting in the matter on 09.06.2011. The Executive Director, C-MET was asked to appear on 09.06.2011 to discuss the case .

Discussion

08. Dr. D.P. Amalnerkar, Executive Director, C-MET came for discussion before the Hon'ble Member on 09.06.2011.

09. Shri Malya Naik, father of Shri B. Mahender who was given opportunity to explain the case of appointment of his son.

10. The Executive Director, C-MET explained the background of the case that an advertisement was given for Staff Tech-IV in the pay scale of Rs. 9300-34800 GP 4200 and the post was reserved for STs and 17 applications were received. The post was not a departmental promotion and a duly constituted Committee recommended the names of 2 candidates and selection Committee selected the 2 candidates. The Executive Director mentioned that an SC Member was on the selection Committee. After completion of the selection the C-MET sent the experience certificate for verification and verification revealed that the certificate was fake one.

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11. The Hon'ble Member invited the attention of Executive Director, C-MET to the DoPT instructions of relaxation and concession to SC/ST candidates and strict observation of reservation instructions for implementation of policy and relaxation/concession derived to SC/ST candidates. It was observed that Recruitment Rules deemed to be faulty and in consequential. By doing so officers of C-MET have discriminated the ST candidates and injustice done to them. The loss meted out to ST candidate is irreparable. The Commission advised to relax the experience in the case of Shri Bhukya Mahender in the light of DoPT O.M. NO. 11012/7/91-Estt(A) dated 19.05.1993 and rectify the mistake by issuing appointment letter to the selected candidate.

12. Action may be taken against the officers who have not taken care while processing/framing the recruitment rules and safety clause in respect of SC/ST candidates. Executive Director, CMET was advised to designate Liaison Officer in accordance with DoPT instructions and send compliance/Action taken report to the Commission within a month's time.

K. Kamalakumari
08/09/11
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