



सत्यमेव जयते

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)

F. No. NCST/SER-1467/MTUR/2/2024-SSW

Dated: 04.06.2025

To,

Director
National School of Drama
Bahawalpur House
Bhagwandas Road
New Delhi - 110001
Tel. No: 011-23389402

Subject: Denial of promotion to the ST employee by the management of National School of Drama - a rep. dated 05.08.2024 of Shri Ram Avtar Meena, Assistant Carpenter, National School Drama, New Delhi.

Sir/Madam,


I am directed to enclose herewith a copy of Minutes of the Sitting taken by **Shri Nirupam Chakma, Hon'ble Member, NCST, New Delhi on 09.05.2025** on the above mentioned subject for necessary action.

Encl: as Above.


(Dr. P. Kalyan Reddy)
Director

E-Mail: kalyanreddy.p@ncst.nic.in

Copy for information to: -

1. Shri Ram Avtar Meena,
National School Drama,
Bahawalpur House,
New Delhi - 110001
Mobile No: 9868375484
2. PS to Hon'ble Member (Shri Nirupam Chakma)
3.  NIC for uploading.

National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों का प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of Civil Courts under Article 338A of the Constitution of India)

File No. NCST/SER-1467/MTUR/2/2024-SSW (RU-II)

Minutes of the sitting held under the chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes at the National Commission for Scheduled Tribes (NCST), New Delhi in the case of Shri Ram Avtar Meena, Assistant Carpenter, National School Drama, New Delhi regarding "Denial of promotion to the ST employee by the management of National School of Drama, New Delhi."

Date & Time of Sitting - 09.05.2025 at 11:30 A.M.
Participants in the Sitting - As per Annexure


Shri Ram Avtar Meena, a Scheduled Tribe (ST) employee, in his petition dated 05.08.2024, stated that he is currently serving as an Assistant Carpenter at the National School of Drama (NSD), New Delhi. He was initially promoted to the post of Assistant Carpenter on 20.03.2015 on an ad-hoc basis, with a salary in the pay band of Rs. 5,200 to Rs. 20,200/- plus a Grade Pay of Rs. 1,900, for a period of six months or until the post was filled on a regular basis. Shri Meena continued in this position for nearly five years until he was regularized in May 2020. Over the past nine years, he has demonstrated exceptional performance in his duties, which include a thorough knowledge of wood varieties, market trends, and the requirements for furniture and property making at NSD.

2. In October 2020, the NSD advertised the post of Carpenter Gr.-II for direct recruitment, despite the organization's recruitment rules explicitly mandating a 100% promotion-based method of recruitment. According to Head No. 9 of the NSD Recruitment Rules, the "Method of recruitment is 100% by promotion, failing which by direct recruitment." Furthermore, Head No. 7 clarifies that "Age, education, and other qualifications prescribed for direct recruitment will not apply in the case of promotion." Petitioner having met all the necessary criteria and with 9 years of service, applied for the position, yet was not considered for promotion. He claims that this violation of the recruitment rules, along with the advertisement for direct recruitment, is discriminatory, severely affecting his career progression and financial prospects. In light of these facts, Shri Meena has requested that his name be considered under the departmental promotion process for the Carpenter Gr.-II post and that the advertisement for direct recruitment be immediately.

3. NCST vide notice dated 22.08.2024 had referred the matter to Director, National School of Drama, New Delhi for furnishing the facts and comments within 30 days from receipt of this notice.

4. Report received from the concerned authorities NSD, in its letter dated 30.09.2024, has provided the facts and comments regarding the petition submitted by Shri Ram Avtar Meena, Assistant Carpenter, dated 05.08.2024. It is noted that the vacancy for the post of Carpenter Gr. II was advertised in October 2020, in accordance with the Recruitment Rules, which stipulate 100% promotion, failing which direct recruitment is permitted. Eligibility for promotion requires five years of service in the lower grade of Assistant Carpenter in Pay Level 2. Since Shri Meena was regularized only in May 2020, he did not meet the eligibility criteria for promotion in 2020. Therefore, his claim of discrimination based on caste is unfounded and without merit. Additionally, the certificate submitted by the petitioner for his essential qualification does not align with the requirements specified in the Recruitment Rules. The matter was referred to the Registrar, Board of Technical Education, Delhi, for clarification through a letter dated 19.07.2024, and their decision is still awaited. This reply was forwarded to the petitioner on 11.12.2024.

5. The Hon'ble Member scheduled a sitting on 22nd January 2025 at the NCST office in New Delhi,


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with the Director of the National School of Drama. Both the Director and the Registrar of the National School of Drama, along with the petitioner, attended the sitting. After hearing, the Commission recommended that:-

(i) Furnish the official decision document issued by the competent authority regarding the conversion of Promotion Quota seats to Direct Recruitment, specifically in instances where no suitable candidates were identified in the feeder cadre. This document may be submitted for the Commission's review and discussion within the next 7 days.

(ii) Furnish a copy of the previous Recruitment Rules (RR) governing the post of Assistant Carpenter and Carpenter Grade-II that were in effect prior to 2019, along with the revised Recruitment Rules that came into force post-2019, including the related notification.

(iii) Submit a detailed justification for the ad-hoc promotion of the petitioner to the position of Assistant Carpenter from 20.03.2015 to May 2020, and clarify the application of OM DOPT No. 28036/1/2012-Estt (D) dated 3rd April 2013, particularly with regard to the petitioner's promotion matter.

6. The reply dated 19.02.2025 from the National School of Drama apprised the Commission of the following points: -

Point (i):

Regarding the Commission's directive to furnish the official decision document by the competent authority for converting promotion quota posts to direct recruitment, NSD submitted a copy of the official note (Annexure-I) where the competent authority approved filling the post of Carpenter Grade-II through direct recruitment. The note stated that the decision was made due to the non-availability of suitable candidates in the feeder cadre, in accordance with the applicable recruitment policy. The institution claimed this measure was necessary to maintain operational continuity and efficiency, especially given the functional demands and production schedules of the organization.


Point (ii):

In compliance with the Commission's request, NSD provided copies of both the previous and revised Recruitment Rules (RRs) applicable to the posts of Assistant Carpenter and Carpenter Grade-II. The older RRs, in effect prior to 2019, and the revised RRs enforced post-2019 were enclosed with the reply (Annexure-II to Annexure-VI). The revised RRs include a provision that allows recruitment to be made by promotion and, only if no eligible candidates are available, through direct recruitment. This rule change, according to NSD, was incorporated in line with evolving administrative needs and recruitment policy updates applicable to autonomous cultural institutions under the Ministry of Culture.

Point (iii):

On the issue of Shri Ram Avtar Meena's ad-hoc promotion to the post of Assistant Carpenter from 20.03.2015 to May 2020, NSD explained that the promotion was necessitated due to urgent institutional needs and a shortage of eligible regular staff. The ad-hoc appointment was made in the public interest and approved by the competent authority. The relevant promotion order has been attached as Annexure-VII. However, NSD emphasized that this ad-hoc service cannot be treated as equivalent to regular service in terms of eligibility for further promotion.

7. This position is supported by para 3 of the DoPT O.M. No. 28036/1/2012-Estt(D) dated 03.04.2013, which clearly states that ad-hoc appointments are temporary and do not confer any claim for regular appointment, nor can the ad-hoc service be counted towards seniority or qualifying service for promotion. Consequently, Shri Meena, who was regularized in the post of Assistant Carpenter only on 05.05.2020, did not fulfill the requisite five years of regular service in the feeder cadre at the time of the October 2020 recruitment


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to the post of Carpenter Grade-II. Therefore, as per NSD, he was not eligible to be considered under the promotion quota during that recruitment cycle.

8. The petitioner, Shri Ram Avtar Meena, submitted a rejoinder dated 16.04.2025 to the National Commission for Scheduled Tribes in response to the submissions made by the National School of Drama (NSD). In his rejoinder, Shri Meena reiterated his primary grievance regarding the denial of promotion to the post of Carpenter Grade-II, despite his long-standing service, experience, and performance in the department. He expressed concern over the delay in the resolution of his case and requested that the Commission consider scheduling the next sitting at an earlier date to expedite the proceedings, given the direct impact of the matter on his career progression and financial stability.

9. The sitting was convened under the chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes, at the New Delhi, on 09.05.2025 at 11:30 A.M., wherein the Director and Registrar of the National School of Drama appeared in person, along with the petitioner, Shri Ram Avtar Meena.

Accordingly, the Commission makes the following recommendations:


(i) Cancellation of Advertisement and Consideration for Promotion:

The Commission, having duly considered the facts on record, observes that Shri Ram Avtar Meena, a Scheduled Tribe (ST) employee, was regularized in the post of Assistant Carpenter with effect from 05.05.2020 and has, as of 05.05.2025, completed five years of continuous and regular service in the said feeder post. He thereby satisfies the eligibility criteria stipulated under the extant Recruitment Rules for promotion to the post of Carpenter Grade-II. In view of the express provision in the Recruitment Rules prescribing the method of recruitment as "100% by promotion, failing which by direct recruitment," and given that a suitable and eligible candidate now exists within the feeder cadre, it is incumbent upon the National School of Drama to act in accordance with the said Rules and initiate the process of filling the vacancy through departmental promotion. The Commission, therefore, recommends that the advertisement issued for direct recruitment to the post of Carpenter Grade-II may be forthwith withdrawn or cancelled, and the case of the petitioner be placed before the appropriate Departmental Promotion Committee (DPC) for consideration, strictly in accordance with the Recruitment Rules and applicable administrative instructions. The invocation of the clause "failing which by direct recruitment" in the presence of an eligible departmental candidate shall be deemed arbitrary, contrary to the Recruitment Rules, and violative of the settled principles of service jurisprudence.

(ii) Activation and Monitoring of Internal Grievance Redressal Mechanism:

The Commission further recommends that the Internal Grievance Redressal Cell at the National School of Drama, particularly with reference to grievances from SC/ST employees, may be activated and made functional. Regular and timely meetings of this Cell may be convened, at least on a quarterly basis, to address issues pertaining to service matters, representation, and possible discrimination faced by employees belonging to Scheduled Castes and Scheduled Tribes. The institutional mechanism for grievance redressal may operate with transparency, accountability, and sensitivity towards the constitutional and legal safeguards available to members of the SC/ST communities.

The compliance report on the above recommendations may be submitted to the Commission within 30 days from the date of receipt of this communication.


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