

Proceedings of the sitting on 15-10-2009 of Hon'ble Member Shri Oris Syiem Myriaw with Secretary, DoPT & Secretary, Posts

A list of officers present in the sitting is at Annexure.

ISSUE

Promotion of Smt. Mary Major Tirkey, Section Officer (Retd.) of the CSS to the grade of Under Secretary on ad-hoc basis.

BACKGROUND

A representation dated 11.02.2009 was received in the Commission from Smt. M. M. Tirkey, Section Officer of CSS posted in Department of Posts regarding not promoting her to the post of Under Secretary on ad-hoc basis by DoPT.

Smt. Tirkey mentioned that ST backlog vacancies were there and her ACRs were in DoPT upto 2005-06, but DoPT did not promote her in the promotion order issued on 20.06.2008, whereas her junior of SOSL 1999 were promoted. She is Section Officer of the Select List 1996. When she took up the matter with DoPT vide her letter dated 09.07.2008, DoPT processed her case, but due to an administrative decision to stop grant of ad-hoc promotions to the post of Under Secretary beyond September 2008, she could not be promoted on ad-hoc basis. She further requested that as she was about to retire on 28.02.2009, she should have been promoted before that to get the benefit in pension.

The matter was taken up with the Secretary, Department of Personnel & Training and Secretary, Department of Posts. The DoPT vide their letter dated 13.03.2009 replied that SO of CSS have been promoted to the post of Under Secretary on ad-hoc basis only upto the 1995 Select List. However, due to the backlog in ST category, SO of select list upto 1999 have been promoted whose CRs and VC were received. After receipt of Smt Tirkey application in July, 2008, her CRs for 2006-2007 and 2007-2008 were requested from the Department of Posts. On receipt of CRs on 23.09.2008, Screening Committee recommended promotion of Smt Tirkey along with others on 24.09.2008. The recommendations of Screening Committee was put up to the Competent Authority on 30.09.2008 for approval. However, due to a decision in October,2008 to stop further ad-hoc promotion to any grade of the CSS, she could not be promoted as US on ad-hoc basis.

Department of Posts replied vide their letter dated 31.03.2009 that all the requests of DoPT were met. In 2007, DoPT requested for CRs and

VC for Smt. Tirkey as she was due for promotion from the department of Posts and the information was sent on 21.03.2007 by the department. Department has further mentioned that DoPT is not accepting the request of Smt Tirkey on the ground that an administrative decision has been taken in October, 2008 not to do further ad-hoc promotion to any grade of the CSS, but on 23.10.2008 an OM was issued requestin the CRs and VC of SO of SL 2000 of ST categories for promotion to Under Secretary on ad-hoc basis.

Therefore, there are following two issues, indicating a clear discrimination with Smt. Tirkey by DoPT:

- i) When the details of Smt. Tirkey were requested by DOPT 2007, why her name was left out in the process of promotion list of 20.06.2008.
- ii) All other ad-hoc promotions were made subject to vigilance clearance, why promotion of Smt. Tirkey was not done subject to the completion of papers?
- iii) Why the recommendation of Screening Committee was not approved on 30.09.2008, when the details (CRs and VC) of ST SOs were requested by DoPT vide their OM dated 23.10.2008 for promotion as Under Secretary on ad-hoc basis.

In view of the above, Shri Oris Syiem Myriaw, Hon'ble Member decided to have a discussion with Secretary, DoPT and Secretary, Department of Posts on 15.10.2009 at 1130 hrs in the Commission.

DISCUSSION

It was expressed by the Department of the Posts that there was no lapse on their part in providing details to the DoPT. Smt. Tirkey was Section Officer of the SL 1996, therefore, after completion of 8 years of residency, she became eligible for promotion to US. Her details along with CRs were sent to DoPT in 2005. After that, whenever any request was received from DoPT for any information/documents etc, it was met within a reasonable time.

DoPT explained that due to administrative decision not to further promote officers of CSS cadre on ad-hoc basis, Smt. Tirkey could not be promoted. It was also admitted by them that there was no fault of the individual and there were many cases where juniors have been promoted and seniors are held up due to this decision.

The Commission expressed its serious concern on the issue that on one side a number of ST vacancies were lying and on the other hand eligible ST candidates were not being promoted for various reasons.

Secretary, DoPT expressed his inability to reconsider the case of ad-hoc promotion of Smt. M. M. Tirkey, in view of the administrative decision mentioned above. He further mentioned that in case, Smt. Tirkey's case was to be considered, all such cases will have to be considered along with her case.

RECOMMENDATION

In view of the background of the case and discussion as above, the Commission recommended that the case of Smt. M. M. Tirkey for her promotion to Under Secretary on ad-hoc basis w.e.f 20.06.2008 (when her junior was promoted) needs to be considered by DoPT and an action taken report in this regard may be submitted to the Commission within 30 days.

ANNEXURE

The following were present in the sitting on 15.10.2009 :

NCST

1. Shri Oris Syiem Myriaw, Hon'ble MemberIn Chair
2. Shri Aditya Mishra, Joint Secretary
2. Shri Vinod Aggarwal, Director

Department of personnel & Training

1. Shri Shantanu Consul, Secretary(P),
2. Dr. S. K. Sarkar, Jt Secretary,
3. Shri M. C. Luther, Dy. Secretary

Department of Posts

1. Ms. Radhika Doraiswamy, Secretary,
2. Ms. Aindri Anurag, Secretary, Postal Services Board,
3. Shri A. K. Sharma, DDG

Petitioner

1. Smt. Mary Major Tirkey, SO (Retd.)