



**Government of India**  
**National Commission for Scheduled Tribes**  
 (A Constitutional Commission set up under Art. 338A of the Constitution of India)

File No. No: YDN/7/2011/MDEF-2/SEPROM/RU-IV  
 No: RSM/8/2011/MDEF-2/SEPROM/RU-IV

Dated: 12.12.2017

To,

- |   |  |
|---|--|
| 1. The Secretary,<br>Ministry of Defence,<br>South Block,<br>New Delhi – 110 001. | 2. The Secretary,<br>Department of Personnel and Training,<br>North Block,<br>New Delhi – 110 001. |
|---|--|

**Sub: Proceedings of the sitting taken by Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 05.10.2017 at 03.00 P.M in the matter of S/Shri Y.D Negi, RS Meena and others, Deputy Directors, Ministry of Defence regarding fixation of Seniority on Promotion.**

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on 05.10.2017 on the above mentioned subject for necessary action.

It is requested that action taken report in the matter may please be intimated to the Commission, at an early date.

Yours faithfully,

*D.S. Kumbhare*  
 12/12/2017  
 (D.S. Kumbhare)  
 Under Secretary  
 Ph. No. 24657271

Copy to:-

1. Shri Y.D. Negi, Deputy Director, Adll. Det. Gen. Military Survey (GSGS), General Staff Branch, DGIS Building, Rao Tula Ram Marg, Delhi Cantt – 110 010, New Delhi.
2. Shri R.S. Meena, Deputy Director (P M Pers), Room. No. 7, 'Aakanksha Building Development Enclave, Rao Tularam Marg, Delhi – 10.

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

(F.No.- YDN/7/2011/MDEF-2/SEPROM/RU-IV)

Proceeding of the sitting taken by Miss Anusuiya Uikey, Hon'ble Vice Chairperson, NCST on 05.10.2017 in the matter of Shri Y.D Negi, R.S. Meena, Dy. Directors and 21 others M/o Defence (GSGS) regarding fixation of seniority on promotion by virtue of reservation.

Date of Sitting : 05.10.2017


List of the officers : Annexure 1

1. Representation dated 30.08.2011 received from S/Shri Y.D Negi, R.S. Meena, Dy. Directors and 21 others M/o Defence (GSGS) regarding fixation of seniority on promotion by virtue of reservation.
2. A Sitting was held on 20.9.2013 in the Commission with the officers of Ministry of Defence including petitioners. The Commission asked documents for examination regarding fixation of seniority and promotion as per discussions held on 20.9.2013. On examination of records Commission observed the following: -

- I. Roster Register (40 & 200) point has not been maintained per DoPT O.M. No. 36012/2/96-Estt.(Res.) dated 02.07.1997.
- II. Entries are made in the Roster Register with pencils, overwriting, cuttings & register not signed by liaison officers. The requisite summary in the end of the panel year are not made.
- III. The substantive vacancies of ST category were not released as per DPC's held.

  
सुश्री अनुसुईया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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- IV. Plotting in the roster is not made as per DoPT instructions contained in O.M. No. 36012/2/96-Estt.(Res.) dated 02.07.1997.
  - V. Consequential benefits have not been given to ST candidates who are promoted by virtue of rule of reservation.
  - VI. The submission of JS (Trg) & CAO that Ministry of Defence have implemented the Hon'ble Supreme Court judgement of 19 Feb 2008 in letter & spirit is not in the light of judgment.
  - VII. The Hon'ble supreme Court passed the order on inter se-seniority dispute between Departmental Promote & Direct Recruit Section Officers (erstwhile ACSO) and did not speaks about reservation, moreover the provisions enshrined in the Constitution of India regarding Reservations were not withdrawn by Hon'ble Supreme Court through the judgement dated 19 Feb 2008.
  - VIII. The DPC minutes for the year 1995-96 shows that Shri RS Meena has been placed in 40 points vacancy based Roster against the reserved point for ST. It is not understood that the officer who have been selected by the DPC in the year 1995-96 and while releasing substantive vacancy he has been shown in the year 2000 instead of 1995-96.
  - IX. Commission also observed that while drawing the substantive list in the year 2000, the ST Officers have not been placed in the light of they were actually promoted by DPC. It is also pointed out that the officers who were selected in review DPCs held in the year 2008, the ST candidate covered under extended zone have not been considered for promotion to Section Officers.
3. The matter was taken up with the Secretary, Ministry of Defence, New Delhi vide NCST letter dated 07.05.2015. No report/reply received from the authorities. Hon'ble Vice-Chairperson, NCST fixed a Sitting on 21.07.2015 to discuss the matter.
  4. In pursuance of Sitting held on 21.07.2015 the Hon'ble Vice-Chairperson advised the Ministry of Defence to submit rosters for the post of Assistants, Section Officer (erstwhile ACSO) and Deputy Director, promotion list, DPC


  
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Minutes etc maintained since 1990 till 2015 positively by 28.07.2015. Vacancy position, details of SC/ST employees who got selected on promotion as per eligibility etc., to be provided by the Ministry by 28.07.2015 so as to examine the above documents/records by the Consultant of the Commission.

5. As per Note dated 22.07.2015 of Hon'ble Vice-Chairperson, a Sitting was fixed for 02.09.2015 to discuss the issue with the officers of Defence and the petitioner. The petitioner Shri R.S. Meena and others were present in the Sitting dated 09.09.2015. The petitioner were not satisfied on the report of the Consultant. The Hon'ble Vice-Chairperson said that the Commission will examine the report and put up for further action.
6. The Hon'ble Vice-Chairperson fixed a Sitting for 07.01.2016 to discuss the matter with Secretary, M/o Defence and petitioner. The Secretary, Ministry of Defence was unable to attend the Sitting hence Sitting was postponed. Accordingly, Secretary, Ministry of Defence was requested to give convenient date and time to discuss the matter vide NCST letter dated 07.01.2016.
7. The Additional Secretary, Ministry of Defence vide letter dated 18.01.2016 has referred the Sittings taken by the Commission and quoted the report of the Consultant (Shri R.C. Durga) and stated that "from the findings of the Expert Consultant NCST, it is evident that Departments action are well within the provisions of rules as well as the directions of the Hon'ble Supreme Court having implications of the seniority fixation. Therefore, the observations of Hon'ble Commission vide letter dated 07.01.2016 that the discussions have not resulted anything in right directions, is not borne out by facts available on records" and requested to treat the matter disposed off and the case may kindly be closed.
8. The petitioner met Hon'ble Chairperson on 20.06.2017. The Hon'ble Chairperson asked the case may be looked into by Hon'ble Vice-Chairperson. Accordingly, a Sitting has been fixed for 28.09.2017 to discuss the matter with the Secretary, Ministry of Defence and Secretary, DoPT and the petitioner.

  
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9. The Hon'ble Vice-Chairperson vide note dated 21.09.2017 has informed that due to her sudden tour programme, the Sitting may be taken by available Member of the Commission. Hence, this Sitting may be taken by Hon'ble Member (Smt. MCI).
10. The DoPT vide letter dated 22.09.2017 has informed that the Secretary, DoPT is pre-occupied in some other matter on said date and time. Hence, Secretary, DoPT may be exempted from appearing before the Commission and Joint Secretary (E-1) may be allowed to represent him in the said Sitting.
11. The Secretary, Ministry of Defence vide letter dated 26.09.2017 has informed that he will be on leave on 28.09.2017 on the auspicious occasion of Durga Ashtmi. Hence, requested to re-scheduled the hearing. In case it is not possible, Hon'ble Commission is requested to kindly accord exemption from personal appearance. Shri V. Anandarajan, JS & CAO and alongwith Shri Abhinavjit Ojha, Director (HR) and other officers may kindly be allowed to attempt the hearing.
12. The Sitting could not be convened. However, the date of Sitting was fixed on 05.10.2017 .
13. The matter was discussed with the petitioners followed by the officers of MoD and DOPT on 05.10.2017. Applicant Shri R.S. Meena informed that the matter was started since 1974 and reservation was not given as 7.5% for STs. Shri R.S. Meena informed that he joined in 1999 on adhoc basis and became DD. Rosters are not prepared according to instruction of DOPT by the competent authority. The petitioner added that the general candidates got promotion within 6 years and ST candidates got promotion after 14 years. The roster points should be re-calculated and safeguards available for ST employees should be taken care of as per eligibility in promotion. Reservation Rosters need to maintained properly.
14. The officers of JS (Trg), Ministry of MoD informed that as per Supreme Court decision DP and DR quota has been fixed at 75% and 25% respectively. The feeder cadre is Assistant for SO and so for DO. Ministry of

  
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Defence officials informed that the directions of Supreme Court are being followed.

15. After discussion, it was decided the Ministry of Defence may take up the matter with DOPT for their suggestion/comments in the matter. After receiving the suggestions /comments from DOPT, Accordingly Ministry of Defence will initiate the appropriate action. Ministry of Defence may send the ATR to NCST within a month after receiving of the proceedings.

  
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उपाध्यक्ष/Vice Chairperson  
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List of participants of the sitting taken by Miss Anusuiya Uikey, Hon'ble Vice Chairperson, NCST on 05.10.2017 in the matter of Shri Y.D. Negi, RS. Meena, Dy. Directors and 21 others M/o Defence (GSGS) regarding fixation of seniority on promotion by virtue of reservation.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

1. Miss Anusuiya Uikey, Vice Chairperson
2. Smt. K.D. Bhansor, Director
3. Shri D.S. Kumbhare, Under Secretary
4. Shri R.K. Dubey, Assistant Director
5. Shri Gaurav Kumar, Private Secretary to VC
6. Shri R.S. Misra, Senior Investigator

Officer of Ministry of Defence

1. Shri V. Anandrajan, Joint Secretary
2. Shri Abhivanjeet Ojha, Director (HR)
3. Shri Naresh Viridi, Deputy Chief Administrative Officer

Officer of DoPT

1. Shri Sanjay Kumar, DS
2. Shri G. Srinivasan, DS

Petitioner

1. Shri R.S. Meena
2. Shri J. Lalit Xaxa
3. Shri R.P. Meena
4. Shri R.K. Meena