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भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. KNR/4/2016/STGAP/SEHRMT/RU-IV

Dated: 31.07.2018

To,

1. The Principal Secretary,
Higher Education,
Government of Andhra Pradesh,
New Secretariat, Velagapudi,
Thullur, Amaravati,
District – Guntur (Andhra Pradesh).
2. The Commissioner,
Collegiate Education,
Government of Andhra Pradesh,
New Secretariat, Velagapudi,
Thullur, Amaravati,
District – Guntur (Andhra Pradesh).

Sub: Minutes of the Sitting taken by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 17.07.2018 in the case of Shri Koduri Narayana Rao, Guntur (AP) regarding harassment and discrimination of Shri P. China Silviah who is working as scavenger in in the Aided Vacancy at SCHR, MCMR Degree College, Guntur (Andhra Pradesh).

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held on 17.07.2018 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action.

It is requested that action taken report in the matter may please be sent to the Commission within 30 days positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Signature)
(Y.K. Bansal)
Research Officer

(Encl: as above)

Copy to:-

Dr. K. Narayana Rao,
President,
Forum for Social Justice,
Chamallamudi,
Via – Etukur,
District – Guntur, Amaravati – 522 017
(Andhra Pradesh).

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

KNR/4/2016/STGAP/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 17.07.2018 AT 02.30 P.M CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI K. NARAYANA RAO, PRESIDENT, FORUM FOR SOCIAL JUSTICE, GUNTUR (ANDHRA PRADESH) REGARDING HARASSMENT AND DISCRIMINATION IN REGULARISATION IN SERVICES AND PAYMENT OF SALARY TO SHRI P. CHINA SIVAIAH WORKING AS SCAVENGER IN SCHR, MCMR DEGREE COLLEGE, GUNTUR (AP). GOVT. AIDED COLLEGE.

Date of Sitting: 17.07.2018

List of officers present in sitting is Annexed.

The petitioner Shri K. Narayana Rao, National President, Forum for Social Justice, Guntur District (AP) has submitted the grievances of Shri P. China Sivaiah, Guntur (AP) regarding harassment and discrimination in his service.

2. As per the procedure, the NCST vide its letter dated 01.12.2016 has sought a report from the Education Department, Govt. of Andhra Pradesh and Commissioner, Collegiate Education, Govt. of Andhra Pradesh. As no report was received from the Department concerned therefore, the Commission has decided to conduct hearing in the case. Accordingly, a Sitting was fixed on 17.07.2018 for investigation of the case under Article 338 (A) of the Constitution of India.

3. During the Sitting, the petitioner Shri China Sivaiah has submitted the grievances of non regularisation of services as Scavenger and non payment of salary by SCHR, MCMR Degree College, Guntur, Andhra Pradesh. He informed that the SCHR, MCMR Degree College is a Govt. Aided College and vide college letter dated 26.03.2005 he was appointed as Scavenger. He was eligible to get salary under pay scale of 2550-50-2750-60-3050-8-3450-100-3950-120-4450 on the basis of proceedings of Regional Joint Director of Collegiate Education, Guntur on 27.12.2004. But the College Management is making payment only Rs. 1,500/- from his appointment date. In this regard he has made several representations before College Management. But the Management did not pay the salary as per the Govt. Rules and also threatened to dismissal from the services.

4. The Additional Chief Secretary, Education Department, Govt. of AP has submitted before the Commission that any appointment in the Govt. Aided Schools/Colleges are made with the approval of the State Government. There are no supportive orders to fill up the Aided Scavenger post in the College either from the Commissioner of Collegiate Education, nor from the Regional Joint Director of Collegiate Education, Guntur. In addition, the State Government provides grant-in-aid to the College/School to run the Institute and give approval for sanction/filling up of

the posts. In the present case, the College Management has not taken prior permission for filling up of ST backlog vacancy as per the procedure. Hence, the petitioner is not eligible for salary of an Aided employee. The College Management is liable to pay the salary of the unaided employee from the Management funds in terms of the rules contained in the Andhra Pradesh Educational Institution (Establishment, Recognition, Administration and control of Institution of Higher Education) Rules, 1987. However, on receipt of the proposal from the College Management for seeking approval and ratification of the action of the Management concerning, the petitioner's appointment and salary, will be examined and considered as per the Govt. rules in force.

5. The Additional Chief Secretary, Education has further submitted that the petitioner has not submitted any representation about appointment and payment of salary before the Education Department. However, if the petitioner concerned will submit the representation, then, the same will be examined and necessary action will be taken against the College Management.

6. The case was discussed in detail. The Commission observed that the petitioner is working as aided Scavenger against ST backlog vacancy as per the College letter dated 26.03.2005. But he is getting meagre salary of Rs. 1,500/- per month against the eligible Govt. salary for last several years. It is noted that the petitioner's appointment was also communicated to the Director, Collegiate Education, AP by College Management. But the same was not taken into consideration by the State Government. The SGHR-MCMR Degree College, is also Govt. Aided College which controls by the Education Department of Govt. of Andhra Pradesh. However, no action was taken by the State Govt. to release eligible pay as per Govt. rules and regularization of appointment. Though, the Additional Chief Secretary, Education, AP was stated that the College Management has not taken any prior approval for petitioner's appointment and no communication was also received. Hence, the petitioner's salary could not be released as per the Govt. rules. No representation on the appointment and release of salary was received from the petitioner's side.

7. The Commission therefore, recommends that the petitioner will submit a representation about his grievances of appointment and salary to the Education Department, Govt. of Andhra Pradesh. The Education Department, Govt. of AP will examine the case and will take necessary corrective action to protect the interest of the Scheduled Tribe. The Education Department, Govt. of AP will also seek explanation about petitioner's grievances from the College Management and on receipt of the proposal from the College Management, necessary approval about petitioner's appointment and salary should be given with immediate effect. An action taken report should be submitted to the Commission within 30 days.

(File No. KNR/4/2016/STGAP/SEHRMT/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Atram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Officers from Education Department, Govt. of AP

Shri A.N. Das, Special Chief Secretary

Petitioner

Shri P. China Sivaiah