



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. UST/1/2019/MFIN8/SEHRMT/RU-IV

Dated: 13.08.2019

To,

- | | |
|--|---|
| 1. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi – 110 001. | 2. The Director,
National Institute of Financial Management(NIFM),
Ministry of Finance,
Sector-48, Pali Road,
Faridabad – 121 001 (Haryana). |
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Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 18.06.2019 in the matter of Shri Shri Uma Shankar Turkel, Assistant Gr.1, PGDM(FM) Cell, National Institute of Financial Management (NIFM), Ministry of Finance, Faridabad regarding harassment of ST employee in promotion, transfer and sanction of medical claim.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 18.06.2019 under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 15 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Encl: As above

Copy to:-

Shri Uma Sankar Turkel,
Assistant Grade-1, PGDM (FM) Cell,
National Institute of Financial Management (NIFM),
Ministry of Finance,
Sector – 48, Pali Road, Faridabad – 121 001 (Haryana).

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. UST/1/2019/MFIN9/SEHRMT/RU-IV

PROCEEDINGS OF MEETING HELD ON 18.06.2019 UNDER THE CHAIRMANSHIP OF DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST IN THE CASE OF SHRI UMA SANKAR TURKEL, ASSISTANT GRADE-1, PGDM (FM) CELL, NATIONAL INSTITUTE OF FINANCIAL MANAGEMENT (NIFM), M/O FINANCE, FARIDABAD REGARDING HARASSMENT OF ST EMPLOYEE IN PROMOTION, TRANSFER AND SANCTION OF MEDICAL CLAIMS.


Date of sitting: 18.06.2019

List of officers present in sitting is Annexed

The petitioner Shri Uma Sankar Turkel, Asst. Grade-I, NIFM, Faridabad vide his representation dated 25.02.2019 has submitted the grievances before the Commission regarding harassment of ST employee in promotion, transfer and sanction of medical claims.

The petitioner has submitted the following grievances.

- a. He had joined in NIFM on 30.09.1998 and he got first promotion as Asst. Grade -1 only on 05.12.2018 after a gap of 20 years. On the other hand, general category employees got 2-3 promotions during 30.09.1998 to 5.12.2018. He is only ST candidate in the Institutes and thus, he was discriminated in promotion. In addition, he was eligible for promotion to the post of Assistant Grade-I in the year w.e.f 2016 and there was one vacancy in the cadre. However, he was promoted w.e.f. 05.12.2018 by denying promotion from retrospective effect.
- b. He was harassed in transfer/posting. He has been frequently transferred in various sections in the Institute and the same time no any other officials were transferred. Recently, he was transferred to the non-significant Section i.e. Library Section which is not as per his assigned duty of works. Further, his sitting room was locked and he was not given opportunity to collect his documents from the room.
- c. He was discriminated in the matter of sanction of medical bill. His medical bill was unnecessarily delayed and a large part of amount of Rs. 1,03,602/- towards medical bill claim was not sanctioned. It is mentioned here that he is suffering from Ankylosing Spondylitis since last 8 years and his treatment was going on from the panel doctor. Recently the NIFM Management has altered old medical policy without approval of government body and introduced new medical policy to harass him and suffering huge financial loss.
- d. The Institute has financial irregularities in the matter of wilful excess and wrong payment to Dr. Vinti Aggarwal, Consultant, irregular pay fixation, payment of double Dearness Allowance and grant of Training Allowance while pursuing full time PhD to Officials of the NIFM.
- e. The Institute has not maintained reservation rosters for all cadre posts as per the Government's directions.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. The NCST vide its notice dated 28.02.2019 sought a report from the NIFM Admn and Department of Expenditure, M/o Finance. Thereafter, the NIFM vide its letter dated 07.03.2018 informed the Commission that the petitioner's transfer was issued with the approval of competent authority and he was posted to the Library section to look after Hindi Translation related work vide order dated 12.10.2018. But, the petitioner has refused to obey the order. Thereafter another order dated 13.02.2019 was issued to the petitioner directing him to report to the Library Incharge in compliance with posting order dated 12.201.2018. But the petitioner did not assume the charge in Library and continued to work at previous place of posting. Hence, the NIFM has locked the room and directed him to occupy the transferred place. Regarding promotion, it is informed that the NIFM is very small organization having overall 50 employees in all cadre posts. The promotion is vacancy based. Due to non-available of vacancy in the Assistant Grade-I, the petitioner's promotion could not be granted. However, the petitioner's promotion as Assistant Grade-I was made on ad-hoc basis in the year 2015 and subsequently, his promotion was regularized in 2018 after available of vacancy in the grade. The rosters are being made in each cadre/posts in the organizations.

Regarding, petitioner's medical bill, it is informed that the Institute Administration has never denied petitioner's medical claim and sanctioned as per Institute's Medical Policy. Regarding deduction in recent medical claim it is submitted that as per Institute Medical Policy, every employee has to purchase medicine from the designated Pharmacy and has also to submit empty refill of the medicine to the Institute for re-imburement. Since, the petitioner did not purchase the medicine from the designated Pharmacy and has failed to submit empty refill to the Institute Administration. Therefore, his medical amount was restricted.

3. Being dissatisfied with the Institute's report, the Hon'ble Chairman, NCST has fixed a sitting on 18.06.2019 in the Commission to have a discussion in the case with all the authority concerned.

4. As per schedule, the sitting was held on 18.06.2019. The Director, NIFM along with senior Officers from NIFM appeared in the sitting. The petitioner and his colleagues were also present. The Director, NIFM also informed the Commission that the Secretary, Department of Expenditure is pre occupied in connection with general budget preparations and therefore, he could not attend the sitting.

5. In sitting, the petitioner has submitted that by intervention of the Commission, his grievances of reimbursement of balance amount of medical claim has been resolved as he has received a cheque of balance amount. However, there is no action with regard to his other grievances of harassment i.e. denial of due promotion, non action against harassing officers namely Shri K.S. Gopinath and Shri S.C. Chauhan, denial of payment of arrears for promotion with retrospective effect and action against officers who locked his official room. He was stated that he was discriminated in the promotion. He is 1998 recruitee and only ST candidate in the Institute. His promotion to the post of Assistant Grade-1 was issued on 05.12.2018 after a gap of 20 years. The Institute management has given promotion to the ineligible officials in his cadre. Further, there was one vacancy arose to the post of Assistant Grade-1 in 2016. He made representation for promotion against this vacancy. However, his promotion was considered in the year 2018. Thus, he was deprived promotion from retrospective effect and

no payment of arrear was paid. The Institute has no reservation rosters and no reservation rules are followed. In this regard he has made several representations before the Institute Management. But there was no response from the Institute side. The Institute has several backlog ST vacancies in various cadre/posts and same has not been filled up so far. Earlier the Institute had granted promotion to two his junior employee namely Shri Gulab Singh and another ex-cadre candidate namely Smt. Neeta Kapoor to the post of Assistant Grade-1. Thus, he was superseded. There is also no member belonging to SC/ST community in the SC/ST Cell of the Institute and no periodical meetings with the SC/ST employees are held. There is no representation of SC/ST in any cadre in the Institute.

Regarding transfer, he was transferred frequently. For last 3 years he was transferred 3 times. Recently, he was transferred at Library Section to look after the Hindi related work which is against his nature of duties assigned to him. On the other hand, there are so many employees who never transferred and working on the post from the date of joining.


6. In sitting, the Director, NIFM reported to the Commission that the payment of balance amount against petitioner's medical claim has been paid. The Institute has also modified the present medical scheme and introduced a new medical scheme as per CS Rules. The petitioner's transfer has also been modified and posted him another section. Regarding personnel promotion it is informed that she examined the petitioner's promotion case in line with the petitioner's allegations and it was observed that the promoted officials mentioned by the petitioner were senior in service from him and no points for ST as per reservation roster was available. However, the petitioner was first given promotion on ad-hoc basis and there after his ad-hoc promotion was regularised in 2018. The Institute is also following the Government of India's reservation policy and is maintaining reservation roster in each cadre posts. No junior to the petitioner was promoted.

Regarding petitioner's allegation about financial irregularities, it is an administration matter and there was no financial irregularities. All approvals were made after obtaining administration approvals.

7. The case was discussed in detail. The Commission observed that the petitioner's grievances of medical claim and transfer have been settled. However, the petitioner's grievances of promotion are yet to be resolved. The Commission, therefore recommends that:

- The NIFM management will submit all requisite documents relating to petitioner's promotion matter for examination of the Commission.
- The Institute will submit Certified copies of the reservation rosters maintained for each cadre/posts of the Institute as per Government of India reservation policy and backlog position of the ST vacancies in various cadre/posts to the Commission.
- The Institute will examine the issue of granting of promotion from the retrospective date in place of his promotion w.e.f. 05.12.2018.
- The Director, NIFM should ensure that no injustice should be meted out against the ST petitioner.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 30 days on the receipt of the proceedings.

15


श्री. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. UST/1/2019/MFIN9/SEHRMT/RU-IV

List of participants

NCST

1. Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri S.K. Ratho, Joint Secretary
4. Shri Y.K. Bansal, Research Officer
5. Shri H.R. Meena, Sr. Investigator

Officers of NIFM, M/o Finance, Faridabad

1. Ms. Meena Agarwal, Director
2. Shri Sangeet, Associate Professor (SG)

Petitioner

1. Shri Uma Shankar Turkel
2. Shri Ved Parkash, Section Officer
3. Shri Mohan Lal
4. Shri Vinod Ram