



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. ALJ/2/2016/MPNT3/SEOTH/RU-IV

Dated: 09.10.2019

To,

The Post Master General,  
Department of Post,  
Pune Region,  
Pune-411001

**Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 26.08.2019 in the matter of Smt. Ashwani Laxman Jagpat, Suraj Nagar Housing Society, Kothrud, Pune regarding Denial of Appointment to the post of GDS (BPM) BANER BO**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.08.2019 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

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

Copy to:-

Smt Ashwani Laxman Jagpat,  
B-4, Flat no. 16,  
Surajnagar Housing Society,  
Kothrud, Pune-411038.

*for information & upload at website of NCST*

*NIC, NCST*



NATIONAL COMMISSION FOR SCHEDULED TRIBES

ALJ/2/2016/MPNT3/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 29.08.2019 UNDER THE CHAIRMANSHIP OF SMT. MAYA CHINTAMAN INVANTE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF REPRESENTATION OF SMT. ASHWANI LAXMI JAGTAP, SURAJ NAGAR HOUSING SOCIETY, KOTHRUD, PUNE REGARDING DENIAL OF APPOINTMENT TO THE POST OF GDS (BPM) BANEER BO.

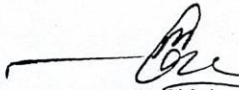
Date of Sitting: 26.08.2019

List of officers present in sitting is Annexed.

The petitioner Smt. Ashwani Laxman Jagtap, Pune had represented before the Commission that she had applied for the post of GDS under ST category against the vacancy notified by the SSPOs, Pune city West Division and her application dated 21.09.2011. After due procedure, the Postal Department prepared a selection merit list of five candidates for consideration of appointment. In the selection list, her name was figured at serial no. 4 in the merit list. Thereafter, selected 03 ST candidates above to her in selection panel have refused to accept offer of appointment and did not join duty to the GDS post in prescribed time limit. After refusal of appointment offer, her name should have been considered as she was only remained selected candidate. However, the Postal authorities did not issue offer of appointment despite her selection and not joining of other selected candidates She had then submitted several request/representations to the higher authorities in the department. But her request was not considered.

The Postal authorities have then converted the post of GDS reserved for ST category into SC category and filled up the said ST vacancy from the SC candidate. Thus, the department has violated the rules of reservation and denied rights of the STs.

2 As per procedure, the NCST vide Notice dated 08.01.2018 has sought a report. Thereafter the PMG, Pune Region, vide its letter dated 03.04.2018 reported the facts of the case that the petitioner's contention was not at all correct and acceptable, as the candidate, Shri LN Chakale is having higher merit than of the applicant. Further, it is submitted she has secured 44% is a totally false. The SSC examination mark sheets of the applicant for the year 2008 & 2009 reveals that she had attempted twice (was a repeater) and her average marks secured comes as 41.07%. But, there was baseless claim of the candidate that she obtained 44%. Regarding attending interview, the documents enclosed by her at para no. 3&4 clearly shows that she was called for only document verification. However, the letter No A 439/2011-12 dated 17.10.2011 (cited by the applicant) clearly mentioned that the candidate was called merely for document verification and not for interview. In addition, there was her own presumption that she was listed at Sr. No. 4, and three candidates were having higher marks than her. Further the selected panel exhausted after a period of one year and as such post was further freshly notified twice for ST category. No application was received from the candidate for the subsequent notifications. Hence, earmarking of post for SC category was conveyed to higher authorities vide Pune city West Division's report regarding filling up of vacancy post of BPM No. A2/PNCW/GDS-BPM/Inf/2013 dated 18.11.2013 in the instant case as three successive requirement notifications were issued for ST category. Thereafter, the then competent authority earmarked the vacancy for SC category as per the instructions contained in Reservation and Concession; compilation.

  
Smt. Maya Chintaman Invante  
Member  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi




3 Since, the Department's report was found to be unsatisfactory and therefore, the Hon'ble Member Smt. Maya Chintamn Ivnate, NCST, fixed a sitting on 29.08.2019 to have a discussion with concerned Postal authorities.

4 As per schedule, the sitting was held on 29.08.2019. The Post Master General, Pune Region and ASP, Postal Regional Office, Pune appeared before the Commission. The petitioner was not present.

5 In sitting, the PMG, Pune informed the Commission that the case in question is old one and he has called for records of the case. At present, he is not in position to submit fact of the case. However, the Commission is requested to grant one month's time to submit action taken in the matter.

6 The case was discussed in detail. The Commission observed that the post of GDS was reserved for Scheduled Tribe category. The petitioner was selected and was at Serial No. 04, in the merit list. The first three selected candidates did not turn up for document verification and thus, they were not willing for appointment. But, the Postal authorities did not issue offer of appointment to the petitioner. The selection panel was also not expired and the petitioner was only eligible ST candidate to be considered for appointment. In addition, in subsequent years, no ST candidate had applied and the ST post was remained vacant. But the ST post of GDS was converted into SC category and filled up from SC candidate which is violation of rules of reservation. The Commission recommends that the Postmaster General, Pune will examine the issue of non-issuance of appointment orders to the selected ST petitioner and conversion of ST post into SC category. The corrective steps will be taken and the appointment of the petitioner will be considered accordingly. The PMG, Pune is advised to submit action taken report to the Commission within one-month period positively.

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Smt. Maya Chintamn Ivnate  
Member  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

**National Commission for Scheduled Tribes**

Case file No. ALJ/2/2016/MPNT3/SEOTH/RU-IV

**List of participants**

**NCST**

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

**Department of Posts**

1. Col S.F. Rizvi, Post Master General, Pune Region.
2. Shri V.S. Kulkarni, ASP, Regional Office, Pune.