

SPEED POST



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Government of India
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

No. DKC/37/2017/MFIN9/SEOTH/RU-IV

Dated: 02.09.2019

To,

The Chief Commissioner of Income Tax,
O/o the Principal Chief Commissioner of Income-
Tax UP (East),
5, Ashok Nagar,
Lakhnow (UP)

Sub: Representation received from Shri Deepak Kumar Chowdhari, S/o late Shri Devendra Pratap, Gorakhpur (UP) regarding denial of compassionate appointment in Income Tax Department, Gorakhpur.

Sir,

I am directed to enclose herewith a copy of the proceeding of the Sitting held on 08.08.2019 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member National Commission for Scheduled Tribes on the above subject matter, for necessary action at your end.

It is therefore requested that an action taken report on the Commission's recommendations may be sent to this Commission within 30 days for placing the same before the Hon'ble Member, NCST.

Yours faithfully
Y.K. Bansal
(Y.K. BANSAL) 02/09/2019
Research Officer

(Encl: As above)

Copy to:

Deepak Kumar Chowdhari,
S/o late Shri Devendra Pratap,
Bichhiya Jungle, Tusli Ram,
Post – P.A.C Camp
Gorakhpur 273014 (UP)

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4/9/19
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ISSUED

for upload at NCST website

NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

DKC/37/2017/MFIN9/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 8.08.2019 UNDER THE CHAIRMANSHIP OF SMT. MAYACHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI DEEPAK KUMAR CHOWDHARI, S.O LATE SHRI DEVENDRA PRATAP, GORAKHPUR (UP) REGARDING DENIAL OF COMPASSIONATE APPOINTMENT IN INCOMETAX DEPARTMENT.


Date of Sitting: 8.08.2019

List of officers present in sitting is Annexed.

The petitioner Shri Deepak Kumar Chaudhary, vide his representation dated 31.7.2017 had submitted the grievances of denial of compassionate appointment in Income Tax Department, UP in place of his late father Shri Devendra Pratap.

2. He was stated that his father Shri Devendra Pratap, income Tax office, Gorakhpur expired on 1.1.2002 during the service tenure. Thereafter, upon his father's death, he submitted an application for providing compassionate appointment on 18.11.2003. But his compassionate appointment request has not been considered till date after passing of 14 years. In addition, he has sought information about marks obtained and reasons for denial of appointment under RTI Act. But no information was provided to him. The Income Tax department had also provided employment to the applicant who applied in the year 2001 to 2008. But in his case, no employment was provided. He requested the Commission to intervene in the matter and provide justice.

3. The NCST vide its notice dated 10.11.2017 sought a report from the Chief Commissioner of Income Tax, UP East, Lucknow. Thereafter, the O/o the Principal Chief Commissioner of Income Tax, UP East vide its letter dated 16.10.2018 informed that the existing scheme for compassionate appointment contained in the DoPT O.M. No. 14014/6/94.Esst(D) dated 09 October, 1998, provides that compassionate appointment can be made up to a maximum of 5% of vacancies under Direct Recruitment quota in Group 'C' (including MTS) Posts. In the case of Shri Deepak Kumar Choudhary, S/o late Shri Devendra Pratap, Gorakhpur (UP), he was regularly considered for Compassionate appointment by the Committee against the vacancies


श्रीमती माया चिंतामण ईवनाते
Smt. Maya Chintamn Ivnate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi


for Recruitment Years upto the RY 2016-17. However, his name was not recommended for appointment by the Committee for the reason that he could not secure sufficient marks required for appointment in any year. The petitioner's case will be considered as per rules and guidelines, on the basis of marks secured.

4. As the Department's report was found to be unsatisfactory and therefore, Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST fixed a sitting on 8.8.2019 to have a discussion with the Principal Chief Commissioner of Income Tax, Lucknow in the matter. Accordingly, Shri Praveen Kumar Principal Chief Commissioner of Income Tax and Additional CIT (HQ), appeared. The petitioner was also present.

5. In sitting the petitioner has raised the grievances denial of appointment despite submission of application on 18.11.2003. In reply to the petitioner's grievances, the PCCIT, Lucknow informed the Commission the compassionate appointment matters are governed on the basis of DoPT OM dated 09.10.1998 and 26.07.2012. In the case of the petitioner, he had applied for compassionate appointment on 18.11.2003 and accordingly his application was considered by the Committee. But the petitioner could not get requisite marks as per compassionate appointment scheme and he could not be appointed. At present, the petitioner's case is under consideration for the year 2018-19, and the process for which has been initiated. Regarding petitioner's contention for non-providing information under RTI Act, it is informed that all information has been provided to the petitioner. However, if the petitioner wants some more information and then the same will be provided.

6. The case was discussed in detail. Thereafter the Hon'ble member, NCST recommends to the Income Tax Department that the petitioner's case needs to be considered for appointment on compassionate ground as a special case since he belongs to ST Community. Moreover, it is reported that he is coming from a very poor economic back ground.

7. An action taken report should be provided on the above recommendation within 30 days from the receipt of this minutes.


श्रीमती माया चिंतामण इवनाते
Smt. Maya Chintamn Ivnate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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Attendance Sheet
NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

File No. DKC/37/2017/MFIN9/SEOTH/RU-IV

Sitting held on 08/08/2019 at 02:30 P.M in the case of Shri Deepak Kumar Chowdhari, S/o Late Shri Devendra Pratap, Gorakhpur (UP) regarding compassionate appointment in Income Tax Department, Gorakhpur

List of participants

NCST

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

Officers O/o the principal Chief Commissioner of Income Tax UP (East). Lucknow, UP

1. Shri Praveen Kumar, Pr. CCIT, Lucknow
2. Shri N.Jain, Additional CIT

Petitioner

1. Shri Deepak Kumar Chowdhari