



भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Government of India)

File No. SCB/1/2019/MRLY/DEOTH/RU-I

Dated//12/2019

To,

The Chairman
Railway Board, Rail Bhawan,
Rafi Marg, New Delhi-110001.

The General Manager,
Eastern Railway,
17, Netaji Subhas Road
Kolkata-700001.

Sub:- Representation dated 30/05/2018 received from Shri. Samir Kumar Das, Zonal Secretary, All India SC&ST Railway Employees' Association, C/o- 3, Old Koilaghat Street, CCM Building (1st Floor), Eastern Railway, Kolkata-1 (West Bengal) regarding Harassment.

- Ref:-
1. Commission's Letter No. SKD/1/2018/MRLY1/SEHRMT/RU-1 Dated 21.06.2018.
 2. Commission's Sitting Notice No. SCB/1/2019/MRLY1/DEOTH/RU-1 dated 26.02.2019.
 3. Commission's Letter No. SCB/1/2019/MRLY/DEOTH/RU-I Dated 09/7/2019.
 4. Commission's Sitting Notice No. SCB/1/2018/MRLY1/DEOTH/RU-1 Dated 07/11/2019.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of the sitting held in the Headquarters of the National Commission for Scheduled Tribes on 19/11/2019 at 16:15 hrs under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson for Scheduled Tribes in the subject matter.

It is therefore requested that action taken on the recommendations of the Commission should be sent to the National Commission for Scheduled Tribes within prescribed time period.

Rajeshwar Kumar
Assistant Director
Ph. 24641640

DA: As above.

Copy to :

Shri. Samir Kumar Das,
Zonal Secretary, All India SC&ST Railway Employees' Association,
C/o- 3, Old Koilaghat Street, CCM Building (1st Floor),
Eastern Railway, Kolkata-1 (West Bengal).

Copy for information::

1. PS to Hon'ble Chairperson
2. NIC (Please upload on the Commission's Website)



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Minutes of sitting held in the NCST's Headquarters on 19/11/2019 at 16:15 hrs onwards under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the cases mentioned in the representation dated 01/03/2019 of Zonal Secretary, All India SCs and STs Railway Employees Association, Eastern Railway, Kolkata and action taken report vide Commission's Letter No. SCB/1/2019/MRLY/DEOTH/RU-I Dated 09/07/2019.

List of participants is annexed as ANNEXURE-I.

Brief of the case, discussion and recommendations of the Commission is given below:-


1. Smt. Nilima Hembram, Tech-I, CWM/LLH/Eastern Railway :- Non-consideration of HOD/IOD (Heart on Duty/Injured on Duty):-

The fact of the case was detailed in minute circulated vide SCB/1/2019/MRLY/DEOTH/RU-I Dated 09/07/2019. The Commission had recommended that the Eastern Railway should re-consider the case of Smt. Nilima Hembram. The HOD/IOD may also be issued on the humanitarian ground, as the accident was occurred in the complex of the Workshop. The action taken by Eastern Railway authority may be submitted to the Commission within one month from the receipt of the proceedings of the sitting.

The Principal Chief Personnel Officer of Eastern Railway stated that Railway Board had referred the matter to Ministry of Labour and Employment for clarification whether the case of Smt. Nilima Hembram can be considered for HOD/IOD.

On response to above, Shri. Samir Kumar Das, General Secretary, AISCSTREA, Kolkata stated that there are Railway Board instructions as well as Supreme Court's decision that such cases should be considered as HOD/IOD. He mentioned that exact instruction is not available with him just now and however he should be allowed to submit the same to Railway Administration as well as to the Commission for further consideration.

After detailed discussion, the Commission recommends that Railway Administration should consider HOD/IOD as per Supreme Court's decision as well as Railway Board's extant instructions which is already available in public domain. The action taken by Eastern Railway Authority should be submitted to the Commission within 7 days from the date of submission of documents by Shri. Samir Kumar Das.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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2. Smt. Laxmi Murmu W/o Shri. Panchu Murmu, Ex-helper under ASTE/UFD/Lilluah: -
Regarding Non-Consideration of Compassionate appointment.

In reference to minutes of meeting held on 11/06/2019 which was circulated vide Commission's Letter No. SCB/1/2019/MRLY/DEOTH/RU-I Dated 09/07/2019, Principal Chief Personnel Officer of Eastern Railway elaborated further.. She stated that Smt. Laxmi Murmu had submitted fake educational certificate once, therefore as a general policy her case cannot be considered further for compassionate appointment. She admitted that Educational Qualification was not mandatory for her appointment as a Compassionate Appointment.

Shri. Samir Kumar Das, Zonal Secretary, All India Scheduled Caste and Scheduled Tribes Employees Association, Eastern Railway, Kolkata stated that she is an illiterate lady, who cannot even read the Bengali, Hindi or English. She does not even knows that the procedure of getting compassionate appointment after death of her husband. The exact procedure is that the Welfare Inspector of Railway of particular division assists the deceased in getting all settlement dues and compassionate appointment etc. Shri. Samir Kumar Das stated that in this Shri. Sengupta, OS and Shri. Ghosh Welfare Inspector was deputed for assisting all the formalities of settlement dues and Compassionate appointment of Laxmi Murmu. Shri. Samir Kumar Das further stated that he had discussed the matter with Shri. Sengupta, OS who stated that since she was illiterate, he arranged the fake certificate for her.

Shri. Samir Kumar Das stated that there is no bar in giving compassionate appointment to Smt. Laxmi Murmu and there is no need for educational qualification. Therefore, there is a conspiracy angle that how not to give genuine appointment to Scheduled Tribes candidates in Railway Services and there is clear cut case of discrimination. Shri. Samir Kumar Das further stated that National Commission for Scheduled Tribes is established for saving the rights of Scheduled Tribes and if justice is not meted here then where these poor adivasies will go for justice.

The Principal Chief Personnel Officer of Eastern Railway finally agreed to discuss the case once again with General Manager of Eastern Railway and put up the case to him for consideration.

The Commission observed that Eastern Railway have not taken such a genuine cases in positive light. Shri. Laxmi Murmu who is an illiterate lady should have been appointed as Class IV staff without asking any educational qualification. The Commission therefore recommends that **Shri. Laxmi Murmu should consider issuance of order for compassionate appointment as there is no bar for educational qualification. The action taken report should be submitted to the Commission within 7 days from the date of receipt of the proceeding of the sitting.**

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
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3. Shri. Manoj Kumar Thakur, Ex-Cook Mate/RPF/HWH-1 Goods Yard post deputation under RPF/PCSC/E.RLY/NKG/Kolkata- Regarding Non- reinstatement in service.

The representative of Eastern Railway, D.I.G/ RPF/ Eastern Railway, explained that Shri. Manoj Kumar Thakur has gone to Kolkata High Court and his case is sub-judice. Therefore, Railway Administration is not in a position to take any decision on this case.

The Commission is also agreed with the above views. The Commission does not take up the cases which are pending in other courts.

4. Shri. Ghanshyam Tamsoy, Chief Materials Manager (Sales), Eastern Railway, Kolkata.:-


Regarding the representation of Shri. Ghanshyam Tamsoy, he has represented for promotion to NF-HAG along with his batch. The representative of Railway Board, Ms. Pramila Bhargava, Joint Secretary (Conf) stated that Shri. Ghanshyam Tamsoy was ignored in promotion as he obtained only four "Very Good" and only one "Outstanding" grading of APR at the time of consideration. She stated that the grading of 17-18 for which he has represented for up-gradation from "Very Good" to "Outstanding" is not relevant for promotion to NF-HAG along with his batch.

In response, Shri. Ghanshyam Tamsoy stated in last sitting that the Reporting Authority has not awarded him "Outstanding" grading in APR of 17-18 due to vendetta and community prejudice. The reporting Authority has remarked that he is fit for promotion as "DRM", but while awarding final grading he entered grade less than 8.00 which is clear contradiction as for promotion to DRM "Outstanding" grading is required. It can also be noted that there are lot of contradiction as grading entered in other columns are not in consonance with numerical graded.

The representative of Railway Board, Ms. Pramila Bhargava, Joint Secretary (Conf) further stated Shri. Ghanshyam Tamsoy has earned "Very Good" grading consistently, but he has never represented for up-gradation of APR from "Very Good" to "Outstanding".

She enquired as to why he has not represented up-gradation of APR of 14-15 and 15-16, which would have been sufficient for promotion to NF-HAG in case of up-gradation of APR. The Commission also wanted to know that as to why Shri. Ghanshyam Tamsoy has not represented up-gradation of APR of 14-15 and 15-16 even though he was graded "Very Good", not "Outstanding".

On response, Ghanshyam Tamsoy explained that how he was disheartened and demoralised due to his dishonest Controlling Officer during 14-15 and 15-16. The Controlling Officer wanted him to do an illegal work in a tender case in which he wanted him to award a contract on a firm who is


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ineligible as per terms and condition of tender. In such a circumstances, the Controlling Officer was very much annoyed. Shri. Ghanshyam Tamsoy further mentioned that he had fulfilled all the

targets and objectives during 2014-15 and 2015-16. In these APRs also entries made by Reporting Authority was excellent and satisfactory remarks in all parameters, however while entering final grading he entered as "Very Good" and therefore it was inconsistent and not commensurate with entries made for other parameters.

After detailed discussion with the representative of Railway Board (i.e. Joint Secretary (Conf)) and the petitioner, the Commission recommends that APRs of Shri. Ghanshyam Tamsoy, Chief Materials Manager(Sales), Eastern Railway, Kolkata should be up-graded from "Very Good" to "Outstanding" for the Financial Year 2014-15 and 2015-16 duly condoning the delay and consequently he should be considered his due promotion which meets the end of justice. The action taken report should be submitted to the Commission within 15 days from the date of receipt of this minute.

र.कु.स. 11.12.2019
डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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ANNEXURE-I

(File No. SCB/1/2019/MRLY1/DEOTH/RU-1)

List of participants of the sitting held on 19/11/2019 at 16:15 hrs. under the chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the issues raised by Samir Kumar Das, Zonal Secretary, All India SCs and STs Railways Employees Association, Eastern Railway, Kolkata.

I. NCST

1. Dr. Nand Kumar Sai, Hon'ble Chairperson **In Chair**
2. Shri. H.K.Damor, Hon'ble Member
3. Shri. H.C.Vasava, Hon'ble Member
4. Shri. A.K.Singh, Secretary
5. Shri. ~~S.K. Patho~~, Joint Secretary *K. Tourney, Joint Secretary*
6. Dr.Lalit Latta, Director
7. Shri. R.S.Mishra, Senior Investigator

II. Railway Board, New Delhi:

1. Ms. Pramila Bhargava, Joint Secretary(Confidential)
2. Shri. S.P.Mahi, EDE(Reservation)

III. Eastern Railway, Kolkata:

1. Mrs. Aruna Nayar, Principal Chief Personnel Officer
2. Shri. Binod Kumar, Dy.CSC./RPF

IV. Petitioners:

1. Shri. Samir Kumar Das, Zonal Secretary, AISCSTREA
2. Shri. Kankan Kumar Gunrhi, Head Quarter Secretary, AISCSTREA
3. Shri. Ghanshyam Tamsay, Chief Materials Manager (Sales), E.Rly.