

Speed Post



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003

File No. DCB/1/2018/MCVL1/SEPROM/RU-III

Date: 17.12.2019

To,

1. The Secretary,
Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi – 110003
2. The Chairman-cum- Managing Director,
Air India,
Airlines House ,113,
Gurudwara Rakabganj Road,
New Delhi-110001

Sub: Minutes of the sitting taken by Hon'ble Chairperson of National Commission for Scheduled Tribes, (NCST) on. 19.11.2019 in the matter Shri Dinesh Chandra Bhasker, Dy. Manager, Staff No. 23114/80005868 and others regarding discrimination in promotion by selection exercise making 10-12 junior employees senior in violation of Constitutional Provisions, existing Recruitment and Promotion Rules and Provisions.


Sir,

I am directed to enclose herewith a copy of Minutes of the sitting taken by Shri Nand Kumar Sai' Hon'ble Chairperson of National Commission for Scheduled Tribes (NCST) on 19.11.2019 at 3.00 p.m. for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within 30 days.

Encl: As above

Yours faithfully,


(Dr. Lalit Latta)
Director

Copy to:

1. Shri Dinesh Chandra Bhasker, Dy. Manager, Staff No. 23114/80005868 email dcbhasker@airindia.in
2. Mrs. P.G.N. Jogina, Dy. Manager, Staff No. 22466 E-mail: pgnjogina@airindia.in
3. PS to Hon'ble Chairperson, NCST
4. SAS, NIC, NCST upload on the web site.

National Commission for Scheduled Tribes

File No. DCB/1/2018/MCVL1/SEPROM/RU-III

Proceeding of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the matter of Shri Dinesh Chandra Bhasker, P.G.N. Jogina and others regarding discrimination in promotion by selection exercise making Senior employees of Air India Junior to their Junior employees of Indian Airlines in violation of constitutional provisions and report of Dharmadhikari Committee.


Date of Sitting: 19.11.2019

List of the officers present: Annexure-I

To review and follow up the decisions taken in the earlier meetings by NCST with Secretary, Ministry of Civil Aviation and CMD, Air India on the complaint of above employees, a meeting was held by the Commission.

On 19.11.2019 Secretary, Ministry of Civil Aviation and CMD, Air India were not present in the sitting. The documents which were required to be submitted before 15.11.2019 by Ministry of Civil Aviation and CMD, Air India to the Commission as per sitting notice dated 30.10.2019 were also not submitted. Commission took a very serious view that in spite of the Notice dated 30.10.2019 the documents were not produced. Officials who attended the sitting on behalf of Ministry of Civil Aviation and Air India assured that the required documents as per Notice dated 30.10.2019 will be submitted on 22.11.2019. They also informed that they are not in a position to submit the stand of Ministry of Civil Aviation and Air India in the sitting. Officer of Ministry of Civil Aviation was asked to furnish the report of Ministry of Law and Justice, Govt. of India regarding the issue but he could not furnish the same also.

Petitioners informed that the stand taken by Air India and MoCA is not based on facts and court cases referred are not related to the case of 2008 batch of erstwhile Air India (post – Assistant Manager) and no order for any stay or maintaining status quo has been passed by Hon'ble Supreme Court and High Court. They also informed that applicability of para 3.19 and para 3.22 of JDC report is being denied in case of 2008 batch on the basis of a record note of 04.01.2013 which is in the form of unsigned annexure and Commission has also


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

observed in its sitting dated 10.10.2018, quote “ Regarding record note of discussion held with Secretary, Civil Aviation on 04.01.2013 (enclosed with the reply of CMD, Air India to the Commission dated 26.09.2018 provided in meeting) it is observed that the attached record note does not have any signature and agenda of said discussion was not to change the provisions of JDC Report approved by Government of India and there is nothing to prove that this meeting was authorised to change the provisions of JDC Report approved by Government of India. It does not provide to keep internal promotion by selection exercised out of purview of Pro-forma promotion but only notified selection process for direct recruitment from open market. Moreover, this meeting was not attended by any ED level official of e/w Air India” unquote.

Moreover, directions of Commission as per proceedings of 10.10.2018 to refer the matter of irregularity in the promotion process against notice dated 06.07.2007 for the post of Assistant Manager with effect from 15.01.2009 in erstwhile Indian Airlines was also not referred to Department of Personnel & Training and Ministry of Law and Justice for examination of violations of rules and regulations as mentioned in the said proceedings.

In view of the seriousness of the issue and ongoing proceedings in this case for last two years, Commission decided that the officials present in the meeting on behalf of MoCA and Air India will inform Secretary, Ministry of Civil Aviation and CMD, Air India to come for a sitting at the earliest in consultation with the officials of the Commission regarding their availability to attend the sitting on a mutually agreed date.

The meeting ended with vote of thanks to the Chair.


18.12.2019

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

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National Commission For Scheduled Tribes

1. Dr. Nand Kumar Sai, Chairperson
2. Shri H.K. Damor, Member
3. Shri K. Touthang, Joint Secretary
4. Shri Lalit Kumar Latta, Director
5. Shri R.K. Dubey, Assistant Director
6. Shri Alok Kumar Diwedi, Consultant

Ministry of Civil Aviation

Shri Pranjol Chandra, Director

Officers of Air India

Mrs. M. Kashyap, GM-IR, Liaison Officer-SC/ST

Petitioners

Mr. D.C. Bhasker, Manager and others.