



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)

6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi – 110003.

File. NCST-17012(MTOR)/1/2020-RU-4 (SSW)

Dated: 07/09/2021

To,

Shri G Kamala Vardhana Rao,
Chairman and Managing Director,
ITDC Ltd., Scope complex,
6th Floor, Core 8, 7 Lodhi Road,
New Delhi 110003
Email: cmd@itdc.co.in

Sub: Representation dated 19.08.2020 of Shri Somprakash, Sr. Technician Grade-1, Ashoka Hotel, New Delhi regarding harassment.

Sir,

I am directed to refer to your subject cited above and to enclose copy of the minutes of sitting held on 26.07.2021 at 04:30 PM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is requested that action taken on the suggestions/recommendations of the Commission may please be sent to the NCST within stipulated time.

Yours faithfully,

(Dr. Lalit Latta/डॉ ललित लट्टा)

Director/निदेशक

Tel: 011-24615012.

(Email: dir@ncst.nic.in)

Copy to:

Shri Somprakash,
RGB-463, Raghuvir Nagar,
Janata Flat,
New Delhi – 110027.
(Mob No. 9650882105)

Copy for information to:-

1. PS to Hon'ble Member (Shri Ananta Nayak)
2. NIC. NCST (please upload on the Commission website)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. NCST-17012(MTOR)/1/2020-RU-4

PROCEEDINGS OF SITTING HELD ON 26.07.2021 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF REPRESENTATION DATED 19.08.2020 OF SHRI SOMPRAKASH, SR. TECHNICIAN GRADE-1, THE ASHOK, NEW DELHI REGARDING HARASSMENT.

Date of Sitting: 26.07.2021

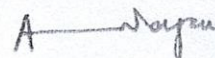
List of officers present in sitting is Annexed.

The petitioner Shri Somprakash, Sr. Technician Grade-1, The Ashok, New Delhi vide his representation dated 19.08.2020 has submitted grievances of harassment by way of non accepting ST community certificate. He stated that at the time of appointment on 01.01.1990, he did not submit ST community certificate. However, on 03.03.2020, he has submitted the ST community certificate to the higher authorities of The Ashok and requested to grant ST benefits in promotion. He had also submitted a reminder on 31.07.2020 but no action has been taken in the matter by the Hotel Management. He requested the Commission to intervene in the matter.

2. As per procedure, the Commission sought report vide NCST notice dated 12.11.2020 from the CMD, ITDC Ltd.

3. The ITDC authorities through The Ashoka vide its letter dated 08.12.2020 submitted a report stating that at the time of appointment to the post of Helper in The Hotel Ashok during the year 1990, the petitioner Shri Somprakash had not mentioned that he belongs to ST Community nor submitted an ST community certificate. However, the petitioner has submitted a representations dated 03.03.2020 and 31.07.2020 along with his ST caste certificate for consideration of his ST status and grant of ST benefits in service. Accordingly, the Department has referred the petitioner's ST certificate for verification to the concerned issuing authority vide letter dated 05.12.2020. Action will be taken after receipt of the verification report. Further, the ITDC Management vide its letter dated 23.07.2021 has submitted another report stating that Tehsildar, Bonsur has forwarded verification report wherein it has been certified that the ST community certificate issued to Shri Somprakash is found to be correct as per record. At present he is eligible for promotion to the post of Foreman Grade-II in the pay scale of Rs. 21920-78570 and the file is under process for approval of competent authority.

4. The Commission fixed a sitting in the case on 26.07.2021 and in the sitting, Shri G. Kamala Vardhan Rao, CMD, ITDC and other Sr. Officers from ITDC appeared. The petitioner was also present.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

5. In the sitting, the petitioner has stated that he had submitted an ST community certificate to the ITDC Management in the year 2011 for providing reservation benefits and promotion in the service. Thereafter, he again submitted representation on 03.03.2020 and another representation dated 31.07.2020 alongwith ST community certificate. But he has not been granted ST benefits in promotion. He requested the Commission to intervene in the matter of grant ST benefits in promotion from the year 2011.

6. The CMD, ITDC briefed about the case stating that the petitioner was recruited as Helper in the year 1990. At the time of appointment, he did not mention about his community and he had not submitted any ST community certificate. However, he got promotions, increments and other service benefits. There was no denial of any benefits. The petitioner has submitted his ST community certificate with a request to provide reservation benefits in promotion on 03.03.2020. As per procedure, the ST certificate has been verified from the issuing authority and the ITDC Management got verification report. The petitioner's promotion for the post of Foreman Grade-II is under process and will be considered. So far as providing ST reservation benefits to the petitioner from the year 2011, the matter will be examined and the corrective action will be taken accordingly.

7. The case was discussed in detail. The Commission found that the petitioner was not denied any benefits during the service tenure. He got promotion and increment as per rule. His ST community certificate has been verified and found to be genuine. Accordingly, as per Department's report his promotion to the next grade is under consideration. The Commission further noted that the CMD, ITDC Ltd. assured that the matter relating to grant to provide ST reservation benefits in promotion to the petitioner from the year 2011 will be examined.

8. The Commission, therefore, recommended that the CMD, ITDC Ltd. will take necessary corrective action in the matter and to ensure that no injustice is meted out to the ST employee on caste ground. At the same time, the petitioner's plea for promotion from the year 2011 may be re-examined and considered with all consequential benefits. The ITDC Management will submit an action taken report in the matter to the Commission within 30 days.



(ANANTA NAYAK)
MEMBER


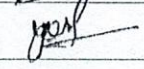
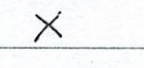
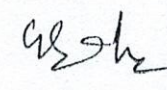
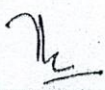

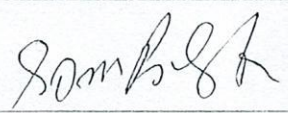
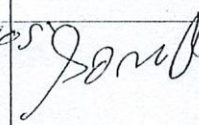
National Commission for Scheduled Tribes

अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Attendance Sheet
National Commission for Scheduled Tribes

File No. NCST-17012(MTOR)/1/2020-RU4

Sitting held on 26.07.2021 at 04.30 P.M. in the case of representation of Shri Somprakash, Sr. Technician Grade-1, Ashoka Hotel, New Delhi regarding harassment.

Sl. No.	Name and Designation	Address & Phone No.	Signature
I National Commission for Scheduled Tribes			
1.	Shri Harsh Chouhan Hon'ble Chairperson	In Chair	X
2.	Shri Ananta Nayak Hon'ble Member	In Chair	
3.	Smt. Alka Tiwari, Secretary		X
4.	Shri K. Touthang, Joint Secretary		
5.	Dr. Lalit Latta Director		
5.	Shri Y.K. Bansal, Research Officer		
6.	Shri D.D. Tripathi, Legal Consultant		X
7.			
II Officers from ITDC Ltd			
1.	G. Kamata Vardhana CMD - ITDC Row		
2.	VIJAY DUTT GM, The Ashok Hotel.	9868270604 gmtheashok@ itdc.co.in	
3.	AMIT WADEHRA SR MANAGER (HR) THE ASHOK	9818784783 amitwadehra@ itdc.co.in	
4.			
5.			
III Petitioners			
1.		9650882105	
2.			
3.			