



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. NS/3/2015/MATE1/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली - 110003
6th floor, 'B' Wing Loknayak Bhawan,
Khan Market, New Delhi-110003
दिनांक /Dated: 13.12.2016

To,

1. The Secretary,
Department of Atomic Energy,
Anushakti Bhawna,
Mumbai-400001,
Maharashtra
2. The CEO,
Nuclear Fuel Complex,
Hyderabad - 500 062.

Sub: Representation dated 22.06.2015 of Shri Nenavath Suresh, Sanjeeva Reddy Nagar Hyderabad, Telangana regarding Discrimination on the caste.

Sir,

I am directed to enclose a copy of Proceedings of the Sitting taken by Hon'ble Vice-Chairperson, NCST, on 10.11.2016 for necessary action and to send the action taken report to the Commission urgently.

Yours faithfully,


(V.P. Shahi)

Assistant Director

Copy to:

1. Shri Nenavath Suresh, H. No: 7-1-632/175, Babu Nagar, Sanjeeva Reddy Nagar (Post) Hyderabad-500038 Telangana
2. Director (RU-III & IV) and Deputy Secretary (RU-I & II).
3. All Units in NCST.
4. SSA, NIC. - 565

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Proceedings of the sitting taken by Hon'ble Vice-Chairperson who was also holding the charge of Hon'ble Chairperson, NCST on 10.11.2016 at 2.00 p.m. in the petition filed by Shri Nenavath Suresh, Sanjeeva Reddy Nagar, Hyderabad, Telengana State regarding discrimination for appointment.

Date of Sitting: 10.11.2016

List of officers present in the sitting is at Annexure-I.

A representation dated 22-06-2015 was received from Shri Nenavath Suresh, Sanjeeva Reddy Nagar, Hyderabad on 09-07-2015 requesting for help – a plea and cry in pain for justice to a Scheduled Tribe person whose hopes of getting a job is shattered for no reason by the authorities of Nuclear Fuel Complex, Hyderabad under the Department of Atomic Energy, Government of India. Shri Suresh has stated that in response to an advertisement No. NFC/01/2010 issued by the Nuclear Fuel Complex, which is an industrial establishment under the Department of Atomic Energy (DAE) Hyderabad calling applications for various posts he applied for the auxiliary posts of Attendant vide application dated 28-7-2010. There were 115 posts of Attendant offered for appointment out of which ST posts were reserved for ST candidates. At the time of applying for the post his body weighed 95 kg as may be seen from the application form submitted by him. He was called for a written examination vide roll no. 02592 issued on 4-2-2013 to be held on 3-3-2013 at 9.15 am at Hyderabad. Consequent upon qualifying the written examination he was directed to appear for a personal interview on 19-3-2013 at 09.00 am. Final result was declared on 2-4-2013 in which the name of Shri S. Suresh figured at sl. No. 3 of the wait list for ST candidates to be appointed. The list also contained details of 8 ST candidates ready to be appointed against the post of 'Attendant A' later re-designated as work Assistant 'A'.



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उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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2. However, he was given an ad-hoc offer of appointment initially for a period of 89 days, for appointment to the post of Work Assistant 'A' vide letter dated 8-6-2013 by the Nuclear Fuel Complex. It was also seen from the terms and conditions of appointment that he was required to produce medical fitness certificate in the enclosed format duly issued by a Medical Officer in the rank of Assistant Civil Surgeon. Dr. V. Rajkumar, Civil Assistant Surgeon (Regn No. 66078) District Hospital, Tandur District, Telengana State examined him and gave him certificate of fitness. However, vide letter dated 8-5-2015, Shri Suresh was further asked to appear before the Medical Committee on 13-5-2015 at Occupational Health Centre (OHC), NFC for further medical examination and was found unfit for the said post in view of his morbid obesity and uncontrolled Hypertension by the Medical Committee as intimated to Shri Suresh by a letter dated 26-5-2015 of Nuclear Fuel Complex, Hyderabad.

3. The application of Shri Suresh is against this order of NuclearFuel Complex, Hyderabad declaring him unfit to join the post despite a fitness certificate by an Assistant Civil Surgeon. The matter was taken up with Department of Atomic Energy, Mumbai vide Commission's Notice dated 20-7-2015 with a request to submit the facts on the case with a reminder dated 27-10-2015. Department of Atomic Energy vide their letter dated 18-11-2015 submitted that Shri Nenavat Suresh could not be appointed as Work Assistant in NFC as he was not medically found fit by the competent authority. The allegations levelled by Shri Nenavat Suresh that he has been discriminated by NFC in the name of his caste are not borne out of facts since his brother Shri Nenavat Umesh (ST-WL-8) has already been appointed in NFC based on the recommendations by the Medical Board.

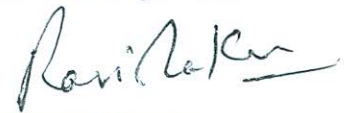
4. A copy of the letter dated 18-11-2015 of Department of Atomic Energy was forwarded to Shri N. Suresh vide this Commission's letter dated 4-12-2015 for his information and comments, if any. Shri Suresh vide his representation dated 18-1-2016 has submitted that justice has not been done to him and has requested for justice as he is jobless. Shri Suresh on 20-10-2016 again met Hon'ble vice Chairperson

of this Commission and has requested for a hearing. Accordingly, a hearing was fixed on 10-11-2016 at 2.00 pm. Notices were issued on 24-10-2016 to Secretary, Department of Atomic Energy and the CEO, NFC, Hyderabad to make it convenient to attend the hearing.

5. Shri P. Mohan Babu, Chief Administrative Officer, Nuclear Fuel Complex, Hyderabad attended the hearing on the appointed date and time in the HQ of the National Commission for Scheduled Tribes, Government of India, Lok Nayak Bhawan, Khan Market, New Delhi, chaired by Shri Ravi Thakur, Hon'ble Vice Chairperson who was also holding the charge of Hon'ble Chairperson of the Commission. The applicant was also present. Other officers of the Commission were also present as per Annexure-I. The case was heard from the applicant in detail.

6. Chief Administrative Officer of Nuclear Fuel Complex, Hyderabad has stated that Shri N. Suresh was examined by a medical board constituted by the NFC themselves, but not by an independent outside agency. He was told that it is a flaw on the part of NFL that they have not asked the applicant to appear before an independent medical board to certify his fitness. Chief Administrative Officer has agreed to send the applicant to a Central / State Hospital where such board exists to certify the fitness of Shri N. Suresh who is waiting for his appointment in NFL Hyderabad. CAO, NFL, Hyderabad has also stated that a case is pending in the Central Administrative Tribunal, Hyderabad Bench filed by Shri N. Suresh against the actions of NFL, Hyderabad in not appointing him as Work Assistant. This fact has not been disclosed by the applicant while filing an application in the Commission.

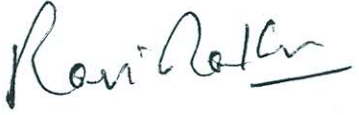
7. Considering all aspects of the case, the Commission recommends that Shri N. Suresh may be directed to appear before an independent Medical Board of a Central / State Government Hospital at Hyderabad for certifying his fitness for appointment as Work Assistant 'A' to avoid allegation of atrocity against a tribal candidate who has been denied appointment on account of his obesity and hypertension as alleged and



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if found fitness by the so designated medical board, he should be given an appointment against a vacant post for ST. If the posts are already filled up, supernumerary posts be created for the purpose and he should be given an appointment at the earliest. Once appointed, he will have no grievances against NFC Hyderabad and shall withdraw the case filed by him in the Hon'ble Central Administrative Tribunal, Hyderabad Bench.

It is advised accordingly.


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Annexure-1

File No. NS/3/2015/MATE1/SEOTH/RU-III

List of participants

NCST

Shri Ravi Thakur, Hon'ble Vice Chairperson - In chair

Smt. K. D. Bhansor, Director

Shri V. P. Shahi, Assistant Director

Shri P. V. Mohandas, PS to VC & CP, NCST

Officers of Atomic Energy

NIL

Officers of Nuclear Fuel Complex

Shri P. Mohan Babu, Chief Administrative Officer, Nuclear Fuel complex, Hyderabad.

Petitioner

Shri Nenavath Suresh.