



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

भारत सरकार
Government of India

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F.No NCST-100TH/2/2021-SSW

Dated: - 17.05.2022

To,

Chairman and Managing Director,
EdCIL (India) Ltd.,
Plot No. 18-A, Sector-16A, Film City,
Noida-201301(Uttar Pradesh)
(Email:- cmd@edcil.co.in, Phone No. 0120-2515366)

Sub:- Unjustice, illegal and arbitrary actions against ST employee by EdCIL Administration- a representation dated 17.08.2021 of Shri Avinash Meena, Assistant Manager (OTAS), EdCIL, Noida.

Sir,

I am directed to enclose herewith a copy of the minutes of Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on 27.04.2022 at 12:30 P.M. in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time for placing it before the Hon'ble Member.

Yours faithfully,

Encl:- as above

(R.S.Misra)
Research Officer

Copy to :-

Shri Avinash Meena,
Assistant Manager (OTAS),
EdCIL (India) Ltd.,
Plot No. 18-A, Sector -16A . Film City, Noida – 201301 (UP)
(Email :- avinashmeena123@gmail.com , Mob No. 9205292970)

Copy for information

1. PS to Hon'ble Member, NCST.
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

(File No. NCST-100TH/2/2021-SSW)

Proceedings of sitting held in the NCST's Headquarters on 27.04.2022 at 12:30 PM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes regarding Unjust, illegal and arbitrary action against ST employee by EdCIL Administration - representation dated 17.08.2021 of Shri Avinash Meena, Assistant Manager (OTAS), EdCIL, Noida.

List of participants is annexed.

Shri Avinash Meena vide his representation dated 17.08.2021 has alleged that the EdCIL Management is denying him promotion by spoiling his ACRs for the years 2017-18 and 2018-19. The NCST vide Notice of even No. dated 15.09.2021 has referred the matter to CMD, EdCIL and sought for detailed reports. The EdCIL vide letter No. 11(426)/2016 HR dated 03.11.2021 has furnished the detailed report that was communicated to Shri Avinash Meena for information vide NCST letter of even No. dated 25.11.2021. Shri Avinash Meena vide rejoinder dated 10.12.2021 has refuted the facts. This rejoinder was forwarded to EdCIL for facts and comments vide NCST letter dated 23.12.2021. No reply has been received from the EdCIL.

The Commission issued Summons to the CMD, EdCIL for appearing in person before the Commission on 27.04.2022 at 12:30 PM. The CMD, EdCIL deputed Executive Director, EdCIL for attending the sitting on 27.04.2022. The petitioner was also present in the sitting.

The petitioner informed that the EdCIL Management has not disclosed the name of reporting/reviewing officers of his ACR for the year 2017-18 and 2018-19, who has spoiled his ACR. It is also alleged that officer, who was his reporting officer, has not written his ACR. Due to that the EdCIL Management has not considered his candidature for the promotion to the post of Dy. Manager in last two CPCs. The petitioner also pointed out that criteria of promotion as laid down in para 10.1.a(ii) and 10.1.a(iv) of Promotion Policy of Executives which provides for separate formula of grading for promotion of Executives from the grades of E1 appointed through direct recruitment whereby qualifying marks for promotability will be 28 with minimum CPC marks of 5 out of maximum marks of 42, was not followed by management of EdCIL.

The officers of EdCIL has reiterated that information furnished vide their letter No. 11(426)/2016-HR dated 26.04.2022. The officers were unable to explain for not informing


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

names of reporting officer to Shri Avinash Meena. It was also informed that the EdCIL is following the promotion policy of the company. Shri Avinash Meena may be considered for promotion to the post of Dy. Manager during CPC-2022 subject to merit & suitability. The Liaison Officer informed that the Company is concerned about the grievance of the petitioner and definitely try to resolve the matter amicably.

After detailed discussions with the Officers of EdCIL and petitioner, the Commission recommends that action taken/to be taken on the following recommendations/suggestions may be furnished to the Commission within one month from receipt of the proceedings: -

- i. Show cause notices issued to petitioner may be withdrawn as per rule.
- ii. An Internal Grievance Committee (Tribal Cell) should be set up in the EdCIL for resolving the issues of Scheduled Tribes employees of the company as soon as possible as the NCST has written to all Central Ministries/Department to ask the PSUs/PSEs which are controlled by the Department/Ministries for setting up Internal Grievance Committee,
- iii. Prompt action on the ACRs of all the ST employees, including petitioner, should be disclosed to them, as per the DoPT Rules/guidelines.
- iv. The ACRs of the petitioner for 2017-18 and 2018-19 should be referred to the concerned Officer(s) who was the Reporting Officer during the relevant period for their comments.
- v. The candidature of petitioner may be considered to the post of Dy. Manager in the next round of promotion.



(Ananta Nayak)
Member

National Commission for Scheduled Tribes
New Delhi

अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

Annexure

List of participants of the sitting held on 27.4.2022 at 12:30 PM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST in the case of Unjust, illegal and arbitrary action against ST employee by EdCIL Administration - representation dated 17.08.2021 of Shri Avinash Meena, Assistant Manager (OTAS), EdCIL Noida.

I.	<u>EdCIL</u>
1	Dr. B. Chandrashekar, Executive Director, (CP)
2	Shri U.S. Gaikwad, GM (HR), Liaison Officer
3	Shri P.K.S. Shishodia, CGM (Infra.)
4	Shri Sunil K. Mathur, DGM (HR)
II.	<u>Petitioner</u>
	Shri Avinash Meena