



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(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 -17012 (MTOR)/1/2020-RU4 (SSW)

Dated: - 26.06.2023

To,

Shri Piyush Tiwari
Director (C&M)
India Tourism Development Corporation (ITDC) Ltd
Scope Complex, Core-8, 7 Lodhi Road New Delhi - 110003
Email: mdoffice@itdc.co.in, Phone- 011-24360182

Sub:- Harassment at workplace- A representation dated 19.08.2020 of Shri Somprakash, Sr. Technician Grade-1, Ashoka Hotel, New Delhi

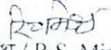
Sir,

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 14.06.2023 at 11:30 AM 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 30 days from receipt of the letter for placing it before the Hon'ble Member.

Encl:- as above

Yours faithfully,


(आर.एस.मिश्र / R.S. Misra)
अनुसंधान अधिकारी / Research Officer
Tel:- 24641640

Copy to:-

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

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

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

Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Som Prakash, Senior Technician Grade 1, The Ashok, New Delhi regarding his promotion.

Date of the sitting: 14/06/2023, 11:30 AM

Participants in the Sitting - As per Annexure

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.

A Sitting was convened by NCST with the officer of ITDC and the petitioner. The recommendations of the sitting held on 26.07.2021 are as follows

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“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.

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.”


The ITDC authorities vide their letter dated 08.09.2021, have stated that the petitioner was working as Technician Grade 2 in 2011 and after completing 4 years, he was automatically elevated to Sr Technician grade 1 on 26.04.2014. Again, after completing 4 years, he was automatically elevated to Senior Technician Special Grade on 26.04.2018. It is stated that automatic elevation is

completely seniority based and there is no provision of applying reservation. Thereafter, the petitioner was promoted to the post of Head Foreman Grade 2 after DPC was held in 2021. There has been no discrimination against the petitioner and hence matter may be closed

The Commission decided to discuss the issue with the authorities and petitioner on 14.6.2023 at 11:30 AM. Accordingly, the summon was issued to Shri Piyush Tiwari, Managing Director(Additional Charge), ITDC on 05-06-2023 and the petitioner was also informed to attend the sitting.

In the Sitting, the petitioner states that he had not been provided documentary evidence of his promotions. The officials stated that documents/order must have been given to the petitioner at the time of each promotion but nonetheless all the documents relating to his promotion since 2010 shall again be provided to the petitioner as well as the Commission. The petitioner admitted that he was receiving the salary of Foreman Grade 1.

After discussion, the Commission recommends that the documents/order relating to petitioner's promotion along with salary slip issued to petitioner at the time of promotion/elevation may be sent to the Commission for record. No further action is required to be taken by the Commission in this matter.


अमन्त नायक/A. MANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत भारत Govt. of India
राज्य शाखा, कोयंबूर

Annexure

List of participants of the sitting held on 14th June, 2023 at 11:30 AM under the Chairmanship of Shri Ananta Nayank, Hon'ble Member, NCST, New Delhi in the case Shri Somprakash, Sr. Technician Grade-1, Ashoka Hotel, New Delhi regarding promotion

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| I | <u>India Tourism Development Corporation (ITDC) Ltd</u> |
| | Piyush Tiwari, Director (C&M) |
| II | <u>Petitioner</u> |
| | Shri Som Prakash |