



सत्यमेव जयते

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)

File No. NCST/SER-894/JH/16/2023-SSW

Dated: 10/07/2024

To,

Shri Aboobacker Siddique P,
Secretary,
Department of Mines and Geology,
Govt. of Jharkhand,
Ranchi-834002 (Jharkhand)
(Email: secretarymines.jhr@gmail.com)
(Ph No. 0651-2490174)

Sub: अनुसूचित जनजाति के कर्मचारी को खान एवं भूतत्व विभाग, झारखंड सरकार द्वारा प्रताडित करने के संबंध - श्री योगेन्द्र बडाईक, प्रभारी सहायक खनन पदाधिकारी, रांची, झारखंड का दिनांक 27.01.2023 का अभ्यावेदन।

महोदय,

I am directed to enclosed herewith copy of the minutes of Sitting held under the Chairmanship of Dr. Asha Lakra, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 14.06.2024 at 02:30 PM in Hotel Bnr Chanakya, Ranchi on the above mentioned subject.

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

Yours faithfully,

(आर.एस.मिश्र/R.S. Misra)

अनुसंधान अधिकारी/Research Officer

Ph No. 011-24641640

Copy to:-

Shri Yogendra Baraik,
Near R.B. Electronics,
Sada Bahar Chowk, Nmakum Bazar,
Ranchi - 834010 (Jharkhand)
(Mobile No:7781072479)

Copy for information to:-

1. PS to Hon'ble Member (Dr. A.L), NCST
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

Minutes of the Sitting held under the Chairmanship of Dr. Asha Lakra, Hon'ble Member, National Commission for Scheduled Tribes at Hotel Bnr Chanakya, Ranchi in the case of Shri Yogendra Baraik, Assistant Mining Officer (I/C) Sada Bahar Chowk, Nmakum Bazaar Khijari, Ranchi, Jharkhand regarding denied the promotion and not releasing of salary.

File: NCST/SER-894/JH/16/2023-SSW

Date of the sitting: 14.06.2024 at 02.30 PM

Venue: Hotel Bnr Chanakya, Ranchi

Participants in the Sitting - As per Annexure

Sh. Yogendra Baraik, Assistant Mining Officer (I/C) Sada Bahar Chowk, Nmakum Bazaar Khijari, Ranchi, Jharkhand vide his letter dated 27.01.2023 has alleged other colleagues of him were promoted by the department, but the department did not give any promotion to him and his salary has also not been paid since last one year. It is further mentioned that his ACP and MACP has not been duly served to him as well.

NCST vide Notice of even number dated 25.05.2023 had referred the matter to Secretary, Department of Mines and Geology, Government of Jharkhand for furnishing the facts and comments. Department of Mines and Geology, Government of Jharkhand vide letter dt. 22.06.2023 stated that Sh. Baraik was under Judicial Custody from 12.09.2008-25.09.2008 and hence was suspended, however, his three increments were stopped as punishment. It is also suggested that he was not found eligible for the post of Assistant Mining Officer during the first DPC dt. 07.12.2015. Thereafter, during the DPC dt. 20.09.2017, it was informed that promotion of Sh. Baraik would be withheld in the department until all the previous charges against him are dismissed. The matter of promotion, ACP and MACP are due after the directions of the Advocate General but has not been released since 15.06.2023.

This was communicated to petitioner vide NCST letter dt. 17.07.2023. The petitioner was not satisfied with the reply and submitted a rejoinder vide letter dt. 28.07.2023. The Commission had decided to discuss the issue with the authority and the petitioner on 21.02.2024. The Secretary was not able to attend the meeting and sought exemption. The meeting could not be convened but the department furnished the detailed reply dated 16.02.2024, which was forwarded to petitioner for information. Meanwhile, petitioner vide letter dated 08.05.2024 has refuted the facts submitted by Govt. of Jharkhand and informed that he has been retired from the service. Further, he alleged that the department has not taken any action regarding promotion, MACP and release of due benefits in his favor. Hence, do the justice.

NCST had decided to discuss the matter with Secretary, Department of Mines and Petitioner at Ranchi on 14.06.2024 at 02.30 PM which was communicated to authority and petitioner vide Notice and letter of even number dated 04.06.2024. The Additional Secretary, Department of Mines and Geology and other officers were deputed by the Principal Secretary, Department of Mines and Geology, Government of Jharkhand vide letter dated 12.06.2024. In the meeting, the concerned officers from Department of Mines and Geology and petitioner were present. The officers of concerned department reiterated the facts submitted by Govt. of Jharkhand vide letter dt. 16.02.2024. The petitioner has also reiterated the facts and comments communicated to NCST through their rejoinder/letter. In the sitting, it was inquired from the petitioner that what is the decision/directions of Hon'ble Court in his Writ Petition. He informed that he has not brought the order of Hon'ble Court. The officers of concerned department were also unable to submit the action taken report by the department. It was also observed that the Secretary, Department of Mines and Geology, Govt. of Jharkhand may think-over on the issue gravely

After discussion with both the parties, it was recommended that the Department of Mines and Geology, Govt. of Jharkhand and petitioner may supply the requisite papers with supporting documents to NCST within 15 days from the date of sitting. Thereafter, the NCST would decide the further course of action in the matter.

डॉ. आशा लकड़ा / Dr. Asha Lakra
सदस्य / Member
भारत सरकार / Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

Annexure

List of participants of the sitting held on 14.06.2024 at 2:30 PM under the Chairmanship of Dr. Asha Lakra, Hon'ble Member, NCST in the case of Shri Yogendra Baraik, Assistant Mining Officer (I/C) Sada Bahar Chowk, Nmakum Bazaar Khijari, Ranchi regarding अनुसूचित जनजाति के कर्मचारी को खान एवं भूतत्व विभाग, झारखंड सरकार द्वारा प्रताडित करने के संबंध में।

I	<u>D/o Mines and Geology, Govt. of Jharkhand</u>
1.	Shri Manoj Kumar Ranjan, Addl. Secretary
2.	Shri Pankaj Choudhary
3.	Ms. Pranita
II	<u>Petitioner</u>
	Shri Yogendra Baraik