

F. No.JRM/1/2016/MPIM1/SEPROM/RU-II
Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, LokNayakBhawan
Khan Market New Delhi-110 003.

Dated 06.10.2017

To

The Secretary,
Ministry of Statistics & Programme Implementation,
Sansad Marg, Sardar Patel Bhawan,
New Delhi-110 001.

Sub:- Representation dated 17.08.2016 received from Shri Jag Ram Meena, Deputy Director, Ministry of Statistics and Programme Implementation, NSSO, (FOD), Hawa Sadak, Jaipur regarding promotion of Shri Jag Ram Meena to the Post of Junior Time Scale (JTS) of Indian Statistical Service (ISS) against the ST category backlog vacancies for the year 1997-98.

Sir,

I am directed to enclose a copy of the minutes of the Sitting held in the National Commission for Scheduled Tribes on 17.08.2017 on the above mentioned subject for further necessary action. Action Taken Report may kindly be submitted to the Commission as soon as possible.

Encls: As above.

Yours faithfully,


(P.T. Jameskutty)

Deputy Secretary to the Govt. of India

Copy to:-

- i) Shri Jag Ram Meena, Deputy Director, Ministry of Statistics and Programme Implementation, NSSO(FOD), Hawa Sadak, Jaipur.

Copy for information to:-

- i) PS to Chairman, NCST.
- ii) SSA, NIC.

F. No.JRM/1/2016/MPIMI/SEPPROM/RU.II
Government of India
National Commission for Scheduled Tribes

Dated 15th Sept. 2017

Sub: Minutes of the Sitting, under the Chairmanship of Hon'ble Chairman, regarding promotion to the post of Junior Time Scale (JTS) of Indian Statistical Service (ISS) against 3 backlog vacancies of year 1997-98 for ST category from retrospective date in the case of Shri Jag Ram Meena, Deputy Director, NSSO(FOD), Jaipur held on 17.08.2017 at 3.00 P.M.

This is the Third Sitting under the Chairmanship of Hon'ble Chairman, National Commission for Scheduled Tribes, to discuss the case of Shri Jag Ram Meena, held in the Conference Room, National Commission for Scheduled Tribes on 17.08.2017 at 3.00 P.M.

1. The list of participants is given at Annexure 'A'.
2. Initiating the discussion the Hon'ble Chairman, NCST asked to the petitioner to submit his grievances. Shri Jag Ram Meena explained that a meeting was taken by the then Hon'ble Member, National Commission for Scheduled Tribe (NCST) on 26.09.2008 with DOPT, and it was decided that the Commission may get this issue more clarified from DoP&T and concerned Ministry, for which First Sitting was taken on 19.12.2008 with DoPT and Ministry of Statistics & PI(ISS cadre) to sort-out this issue and recommended as under:
 - i) As agreed by the Secretary (MoS&PI), the old eligibility list (dated 12.10.1995) of feeder post holders to be updated up to 2002 and to see whether Shri Jag Ram Meena falls within the extended zone of consideration or otherwise. Ministry may also work out, when Shri Meena can be promoted by adjusting the Senior Officers in the eligibility list of JTS against the vacancies arising after 1997 as per the existing RRs prevailing at that time.
 - ii) Ambiguity in post based/vacancy based involved of the ISS rules should be sorted out by the DoP&T in this case. The Ministry also works out a time bound plan to implement these recommendations within six month from the date of the sitting.
3. Subsequently, the Second Sitting of the then Hon'ble Vice Chairman, NCST on 9.11.2016, it was again directed to solve the case within six months as follow:-
 - a) Why Ministry of Statistics and Programme Implementation has not taken immediate action for promotion even after the direction of this Commission vide the direction of the First Sitting dated 19.12.2008.

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अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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- b) Why rosters have not been maintained in the Department.
- c) DoPT has already given opinion in favour of petitioners and no action has been taken by the Ministry/Department.


In this regard it is to mention here that during this hearing before the Commission(as per the minutes dated 9.11.2016), the Joint Secretary(Admn), MoSPI had assured to take action in the matter after obtaining comments of DoPT and after studying the judgement of the Hon'ble High Court in the matter. But no action has not been taken by the Ministry(ISS cadre) on the above recommendations of the Commission.

4. The Third Sitting was held in the Conference Room of NCST on 17.8.2017 at 3.00 P.M. and the Chairman, NCST has taken a serious view on non-filling up of ST backlog vacancies from the year 1997 onwards and not maintaining the reservation roster in the Indian Statistical Service by the Ministry.

5. The petitioner has further explained the status in detail of the case that after recommendations of the Hon'ble Commission in the First Sitting held on **19.12.2008**, this Ministry had initiated remedial steps on the above recommendation No. i) updated the old eligibility list (12.10.1995) by including the eligible incumbents as on 01.01.2002 for promotion to JTS grade of ISS and finally issued the revised eligibility list on 1.7.2009. The review DPC held in UPSC on 18.10.2010 and recommended 3 ST Officers namely S/Shri J. P. Meena, Jag Ram Meena and Jagat Hazarika for promotion to the post of JTS of ISS against the vacancy year 2002-03 (**carry forward vacancies from year 1997-98**). The ISS cadre issued promotion order dated 13.12.2010. But, the consequential benefits of this promotion had not been extended as yet.

6. Further as regard to the recommendation No.-ii of the Commission's First Sitting held on 19.12.2008, the DoP&T had given their clarification long back vide their OM No.36036/5/2005-Estt(Reservation) dated 17th April, 2009. In this regard, the Ministry (ISS cadre) has not taken any action to consider and to promote ST incumbents into the grade of JTS of ISS **against the 3 ST reserved backlog vacancy for year 1997-98 as per the Recruitment Rules of ISS prevailed at that time**. This would have inducted around 27 ST Officers into JTS grade of ISS up to the year 2017 and get benefits at different levels of ISS posts.

7. After the up-dation of eligibility list up to 1.1.2002 on 1.7.2009 on the basis of the Ministry's OM No.12016/3/92-ISS dated 2.9.1996 and issuing promotion order dated 13.12.2010 of the above ST Officers, a representation dated 18.4.2011 received by ISS Cadre from Shri S R Bhanakar who claimed himself as senior to these three officials. Without considering shri Bhanakar's locus-standi in the OM of the MoSPI dated 2.9.1996, the eligibility list of feeder grade post holders has further revised on 27/31.5.2011 as draft. This list was finalized on 5.6.2012 by including the names of 13 incumbents such as S/Shri Rajendra Singh Bhatia, Partha Bhowmik, S. Balakrishnan, Ashok Kumar Chopra, S.R. Bhanakar Whereas these Officers including S.R. Bhanakar were not holding recognized


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feeder posts as per the OM of the MoSPI dated 2.9.1996. In facts, the posts holding by them were came into the ambit of recognized feeder posts only after amendments of Service Rules of ISS w.e.f. 14th Sept. 2005 and thereafter promoted to JTS of ISS from the eligibility list of Subordinate Statistical Service vide order dated 13.7.2006 after the constitution of Subordinate Statistical Service(SSS) its operation w.e.f. 1.4.2004.

8. Director (ISS) explained the facts of the case that a proposal for finalization of eligibility list for promotion to JTS of ISS was sent to UPSC in June 1993 but the same was returned by the UPSC with the observation that **“as per the guidelines 7 years qualifying service is now required to be prescribed. Department may furnish necessary proposal in annexure-III for amendment of Rule 8(i)(a)(ii) after seeking prior approval from DOPT.”**Advice of the UPSC, the matter of amendment of ISS Rules was initiated with DOPT in March, 1994, due to subsequent revision of guidelines for framing/amendment of the RRs by DOPT (issued in March 1996) and the ISS rules could finally be notified on **23.12.1997.**

9. Secretary, NCST highlighted during the meeting that the recruitment rules/service rules being statutory in nature would prevail over the administrative instructions. It is observed that the Ministry's officials are not well versed about the RRs/service rules or they are deliberately violating the statutory rules. Therefore, it will be appropriate that the instant case may be forwarded to DOPT through a comprehensive proposal, to be examined by an officer of JS level in DoPT, decided by Secretary, DoPT.

10. The Hon'ble Chairman, NCST after hearing both the petitioner & officials of Ministry of Statistics and Programme Implementation has advised as under:-

- i) Necessary action is to be taken to fill up ST backlog vacancies year-wise w.e.f.1997 onwards in the JTS grade of ISS as per the existing RRs prevailing at that time.
- ii) To maintain a proper reservation roster in the JTS and STS Grades of ISS posts as per the Recruitment Rules of ISS prevailed at that time.
- iii) Necessary action may be taken to promote eligible officials as per the reservation roster as prepared.
- iv) A self contained proposal in this regard may be forwarded to Department of Personnel & Training for its advice.
- v) The entire exercise may be completed within two months.


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