


**PROCEEDINGS OF THE SITTING TAKEN BY HON'BLE VICE-CHAIRPERSON SHRI RAVI THAKUR, NCST IN THE CASE OF SH. CHUNI LAL BELWA, COMMANDANT, BSF FOR ABOUT RESTORATION OF SENIORITY IN THE RANK OF DEPUTY COMMANDANT WITH RETROSPECTIVE PROMOTION IN THE RANK OF SECOND-IN-COMMAND, COMMANDANT AND DEPUTY INSPECTOR GENERAL**

Date of Sitting:- 05/01/2015

List of Participants:- Annexure - I


A Petition was received by the National Commission for Scheduled Tribe from Sh. Chuni Lal Belwa, Commandant, BSF Frontier HQ Guwahati District Kamrup dated 17/9/2014 regarding restoration of seniority in the rank of Deputy Commandant with retrospective promotion in the rank of Second-in-Command, commandant and Deputy Inspector General. A notice to BSF dated 13/10/2014 was sent for calling factual report on the alleged complaint. BSF vide letter dated 11/11/2014 submitted the facts in the matter. The reply was examined and Hon'ble Vice-Chairperson decided to fix Sitting on 05/01/2015 to hold discussion with the Inspector general (Personnel) of BSF. On behalf of Inspector General (Personnel) of BSF, DIG (Personnel) and Second-in-Commandant alongwith two other Inspectors without any letter of exemption or authorization letter appeared before the Commission with relevant documents for examination. The Commission took note on above averment on the part of BSF as well as direction to the petitioner to attend the Sitting at his own cost.

2. While examining DPC Proceedings including Minutes of DPC, Synopsis on Assessment of records, Gradation List of BSF Group 'A' officers before and after the holding of the

  
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DPC in question and promotion order issued on 13 Feb 1993, the NCST noticed irregularities/anomalism in the matter as under:-

- a) On 24 Nov 1992, a duly constituted Departmental Promotion Committee assessed 236 BSF Assistant Commandants including Sh. Chuni Lal Belwa for promotion to the rank of Deputy Commandant.
- b) As per Para 6 and page 2 of Minutes of BSF DPC, bench mark grade for promotions of BSF officers from the rank of Assistant Commandant to Deputy Commandant was prescribed to be 'Good' and promotion was to be made on 'Selection' basis.
- c) Based on assessment of records, all eligible officers under Zone of Consideration were graded as 'Very Good', 'Good' and 'Average'. None of the officers were found to be 'Outstanding' by the DPC. The Commission also noticed that BSF DPC, before preparing final select panel, had temporarily placed 102 officers graded as 'Very Good' at Para NO 11, other 79 officers graded as 'Good' at Para NO 12 and 39 officers graded as 'Average'/ Unfit at Para NO 13 of Minutes of the DPC.
- d) The Commission also noticed that IRLA NO 18736632 Sh. Chuni Lal Belwa, Assistant Commandant (now commandant) who was graded as 'Average' at Synopsis Sr. NO 177 was found 'FIT' by the DPC. As per Para 19 of the Minutes of the DPC, the officer was recommended for inclusion of his name in the select panel irrespective of prescribed bench mark of 'Good' due to the relaxation/ concession available for SC/ST candidates vide para 6.3.2 (i) of DOP&T instructions

  
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issued vide L/NO 22011/5/86/ Estt (D) dated 10 Apr 1989.


- e) The NCST also made a special note that the contemporary BSF DPC vide Para 21 of the DPC proceedings made a special recommendation/ arrangement for preparing final select panel of 182 officers comprising of 102 officers graded as 'Very Good' at Para NO 11, other 79 officers graded as 'Good' at Para NO 12 and one officer as 'Average' (FIT) at Para NO 19 (name of Sh. Chuni Lal Belwa, Assistant Commandant who was recommended by the DPC for inclusion his name in the select panel) without any **over ridding priority to the grading by the DPC.**
- f) Guided by the principles of '**without any over ridding priority to the grading**' the DPC thereafter shuffled/mixed order of merit/seniority of all 102 officers who were graded as 'Very Good' indicated at Para NO 11 and other 79 officers graded as 'Good' at para NO 12 except one officer that is Sh. Chuni Lal Belwa, Assistant Commandant at Para NO 19, in order **to place them as per their inter-se-seniority in the feeder grade** that is to say that all 181 officers irrespective of the grading awarded by BSF DPC were placed in the select panel as per their Seniority in the feeder grade . This arrangement made by BSF DPC is akin to 'Selection by Seniority'/ 'Non Selection' mode of promotion. But BSF DPC held on 24 Nov 1992 deliberately or unconsciously omitted to apply same rule/ arrangement for maintaining inter-se-seniority in the case on Sh. Chuni Lal Belwa, Assistant Commandant and placed him at the bottom of select panel which is not only violation of DOP&T instructions issued vide para '7' and page 12 of L/NO 22011/5/86-Estt (D) dated 10 Apr 1989 but also in contradiction with the recommendations made by

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contemporary BSF DPC at Para 21 of the Minutes. This impugned action of BSF DPC has resulted in downgrading and placing seniority of Sh. Chuni Lal Belwa, Assistant Commandant below 49 junior officers. The Commission took a very serious note of this glaring and blatant mischief/mistake of BSF DPC which resulted in great hindrance in career progression of Sh. Chuni Lal Belwa, AC (now Commandant), an officer belonging to ST category, which needs to be reviewed/rectified without loss of time.

g) Changing of inter-se seniority/ downgrading of seniority in the case of Sh. Chuni Lal Belwa, Assistant Commandant with reference to BSF DPC held on 24 Nov 1992 is an exceptional case wherein BSF DPC initially proceeded to empanel eligible officers for promotion from Assistant Commandant to Deputy Commandant on 'Selection' basis but subsequently switched over to 'Non Selection' mode of promotion by endorsing special recommendation for empanelment of 182 officers for promotion to the rank of Deputy Commandant. More over BSF DPC made all out efforts to maintain inter-se seniority of all 181 officers except one officer belonging to ST category which is surprising beyond comprehension of any Govt. servant. A prudent BSF DPC cannot adopt two different yardstick for promotion of BSF Group 'A' officers under same zone of consideration; that is one for maintaining inter-se seniority of 181 officers and on the other hand downgrading seniority of Sh. Chuni Lal Belwa, Assistant Commandant (now Commandant) an officer belonging to ST category

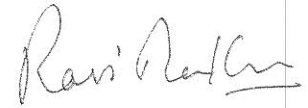
h) It is also fact on record that Sh. Chuni Lal Belwa has time and again been representing against this discrepancy and requesting for restoration of his

  
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seniority but BSF has always been rejencting this simple and straight case of discrimination and justice on some or other grounds.

3. The Commission therefore finds that a strong case of injustice and harassment to Sh. Chuni Lal Belwa, Commandant, a ST candidate, is made out against all BSF officers dealing with promotion of BSF Group 'A' officers. The Commission suggests that DG BSF should take appropriate steps to hold Review DPC and restore seniority of Sh. Chuni Lal Belwa, Assistant Commandant (now Commandant) in the rank of Deputy Commandant with reference to DPC held on Nov 1992 and his seniority be placed/fixed below the name of Sh. Raj Singh Kataria and above the name of Sh. Bhaju Khan (now name changed as Mohd Belal Khan). The Commission suggests that the subsequent promotions to the ranks of Second-In-Command, Commandant and Deputy Inspector General in the case of above officer may also be reviewed with all accrual benefits on assigning of such seniority as admissible under the rules.

4. An action taken report on the subject matter may be communicated to the Commission within one month of receipt of this letter.



Sh. Ravi Thakur, Vice-Chairman,

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