

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. VSM/5/2012/MPNT2/SEPROM/RU-IV

Proceedings of the Sitting taken by Hon'ble Member, NCST on 27.02.2014 to discuss the case of Shri V.S. Meena, LDC, BSNL regarding promotion to grade of LDC w.e.f. 19.12.2003.

Date of Sitting : 27.02.2014.

Lists of the officers present as **Annexure I**

Subject: Promotion.

Background

Shri V.S. Meena, LDC, BSNL, New Delhi submitted a representation dated 30.08.2012 regarding promotion. He stated that "the CSS Section of BSNL CO vide No. 111-1/2011-CSS dated 18.05.2012 has granted notional promotion to three ST officials w.e.f. 19.12.2003 despite of fact that Shri Meena is the senior to all these 3 officials. Shri Meena has been given to understand that these promotions have been effected on the advice of SCT cell wherein it has been recommended that ST candidates who were eligible as per records available on the date of DPC i.e. 19.12.2003 may be considered for regular promotion to the post of LDC w.e.f. 19.12.2003.

2. Shri Meena represented against this injustice to BSNL on 13.06.2012 and requested that he had already submitted his educational qualification certificate as early as year 2002 but informally told by CSS section to submit the same after getting an error on the date of birth rectified. Again in the year 2004, Shri Meena had submitted proof having passed matriculation in the year 2001.

3. The Commission sought comments from CMD, BSNL, on 03.10.2012 followed by subsequent representation sent on 31.10.2012 and reminder sent on 07.01.2013.

4. BSNL on 11.11.2012 informed that "a Committee was constituted to look into the case of promotion of Shri Vishamber Singh Meena, LDC. The Committee has

examined the case and is of the view that the request of Shri V.S. Meena for promotion to the grade of LDC cannot be acceded to in view of non availability of requisite certificate on the date of DPC i.e. 19.12.2003.” and informed the petitioner on 30.01.2013.

5. Shri V.S. Meena filed a rejoinder dated 12.02.2013 which was sent to BSNL vide letter dated 06.03.2013 for their comments.

6. Vide letter dated 13.12.2013 BSNL intimated that Shri V.S. Meena has not raised the new facts in his rejoinder dated 22.08.2013.

7. The Commission noted that the review DPC was held on 19.12.2003 having the reasons that 3 ST posts on the day of DPC i.e. 19.12.2003 Shri Meena was in all respect eligible on the day of review DPC. The basic qualification certificate he has produced of having qualified the matriculation in the year 2001 and has been declared obtained the certificate as early as 2011. The BSNL authorities asked to re-look into the matter for sympathetic consideration as per extent rules. Shri V.S. Meena also eligible for promotion to next post in BSNL during the DPC period year 2003. Shri Meena was also senior to 03 ST officials promoted. Shri Meena passed Matric from the Sampurnanond Sanskrit Vishwavidyalaya, Varanasi (UP) during the year 2001. Shri Meena took prior permission on 16.01.2001 from the BSNL for appearing in Matric exam under UP Madhyamic Vidyalaya Exam – 2001. Shri Meena submitted/deposited Matric passed certificate to the BSNL in year 2003 after correction in Date of Birth.

8. The contention of that BSNL on the day of DPC i.e. 19.12.2003 Certificate of Matriculation was not submitted by Shri Meena. From the papers submitted it is revealed that the DPC was held on 19.12.2003 but the incumbent selected by the DPC have issued promotion order and the three persons junior to Shri Meena were promoted in the year 2012 i.e. after 7 years. The question arises how the BSNL the DPC panel was extended upto 7 years. The Commission have to enquire form BSNL about the validity of panels according to the DoPT instructions.

9. A Sitting was fixed on 27.02.2014 by the Hon'ble Member Smt. K. Kamala Kumari.

Discussion:

1. The petitioner given an opportunity to explain his case before the Commission. Due to pre-occupation, the CMD, BSNL requested for exemption from the personal appearance for the Sitting. The matter was discussed with BSNL officials in length and they reiterated the same views that:-

- a. A DPC was held on 19.12.2003 for considering regularization of 15 ad-hoc LDCs of the erstwhile DoT who were absorbed in BSNL.
- b. There was shortfall of 3 ST vacancies in the grade of LDC at that point of time.
- c. The ST candidates as per their seniority amongst Group 'D' staff at the time of DPC i.e. 19.12.2003 viz S/Sh. Vishamber Singh Meena, Kamal Singh Meena, Kailash Kumar, Srinarayan Meena and Dara Singh Meena represented their case for promotion to the post of LDC on notional basis.
- d. As there were 5 ST officials claiming for promotion the case was referred to SCT Cell for their comments. They opined that ST candidates who were eligible as per records available on the date of DPC i.e. 19.12.2003 may be considered for regular promotion to the post of LDC w.e.f. 19.12.2003 to fill up the shortfall ST category vacancies of that time.
- e. Accordingly, three ST officials viz S/Sh. Kamal Singh Meena, Kailash Kumar and Shrinarayan Meena who had the requisite educational qualification (certificate for passing the 10th Standard) as on 19.12.2003, were promoted as LDC on notional basis.
- f. Sh. Vishamber Singh Meena could not be considered for promotion as he did not possess the required 10th Standard Certificate on the date of DPC held on 19.12.2003. He submitted the required certificate on 29.10.2004 which was erroneous and same was got rectified in 2005 and subsequently Shri Meena was promoted as LDC on local officiating basis on 20.11.2007 and on regular basis w.e.f. 02.08.2010.

