



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. RK/2/2018/MDEF2/SETRAN/RU-IV

Dated: 30.11.2018

To,

Lt. Gen. Samsheer Singh,  
Director General of Quality Assurance,  
DGQA,  
Ministry of Defence,  
Room No. 308 A, D-1 Wing,  
Sena Bhawan,  
New Delhi – 110 011.

**Sub:** Proceedings of the Sitting taken by Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 15.11.2018 in the matter of Shri Rakesh Kumar, Badshah Colony, Lucknow (UP) regarding harassment in transfer of his wife Smt. Seema Gour, QAE(ME) JTO(S) (Pilot Project Cell) from Pune to Jabalpur.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 15.11.2018 under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Vice-Chairperson, NCST.

Yours faithfully

*(Y.K. Bansal)*  
Research Officer

Copy to:

Shri Rakesh Kumar,  
S/o late Shri Sreenath,  
C-S-302, Bhadshah Nagar Colony,  
Lucknow (Uttar Pradesh).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RK/2/2018/MDEF2/SETRAN/RU-IV

PROCEEDINGS OF SITTING HELD ON 15.11.2018 AT 12.00 NOON UNDER THE CHAIRMANSHIP OF MISS. ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF REPRESENTATION OF SHRI RAKESH KUMAR, BADSHAH COLONY, LUCKNOW (UP) REGARDING HARASSMENT IN TRANSFER OF HIS WIFE SMT. SEEMA GOUR, QAE(ME), JTO(S) (PILOT PROJECT CELL) FROM QAE, KHAMARIA, JABALPUR TO HE FACTORY PUNE.

Date of Sitting: 15.11.2018

List of Participants present in sitting is Annexed.

The petitioner Shri Rakesh Kumar, Badshah Colony, Lucknow (UP) has submitted representation regarding harassment in transfer of his wife Smt. Seema Gour, QAE(ME), JTO(s) (Pilot Project Cell) from QAE Khamaria, Jabalpur to HE Factory, Pune.

He alleged that his wife Smt. Seema Gour was working in Pilot Project at QAE Khamaria, Jabalpur and she was transferred to HE Factory, Pune by violating of transfer policy of Pilot Project. Her daughters were studying in class X and Class XII at St. Gabriel H. Sec. School, Jabalpur and her names were registered for Board Examination in the academic session 2018-19. The petitioner, Shri Rakesh Kumar, H/o Smt. Seema Gour is working in UP State Government posted in Lucknow and is unable to come from Lucknow to take care of grown up daughters. He also alleged that vide ref ii) it is clearly mentioned in Sl. No. 05 para 10(d) that an official for retention at a station maximum by 01 year each for maximum 02 children in class X or XII may be consider on ground of education of his/her children in entire service career. His wife is also suffered from illness of Hypothyroid. While transfers of some other colleague has been made as per their convenience. In this regard his wife had requested to the concerned authorities for consideration of cancellation of her transfer to Pune. But no fruitful action was taken by the authorities to redress her grievances.

2. The NCST vide its notice dated 24.09.2018 sought a report from the Director General of Quality Assurance, Department of Defence Production (Adm-6), Ministry of Defence, New Delhi.

3. The Dte of Quality Assurance (Metals & Explosives), 24, parganas (North), West Bengal letter dated 24.09.2018 informed that Smt. Seema Gour, JTO(S), W/o Shri Rakesh Kumar joined DGQA organization (Deptt. of Defence Production, M/o Defence) on 4<sup>th</sup> March, 1998 as Scientific Assistant, Gd-III at QAE(ME), Khamaria,



Jabalpur and service there upto 06.04.2002. She joined at SQAE(ME), Itarsi on 08.04.2002 on promotion to the post of Scientific Assistant Gr-II and continued there upto 07.07.2005. Again she was posted to QAE(ME), Khamaria on 18.07.2005 on compassionate ground based on her appeal/request and continued her service there till 07.08.2018 i.e. till the date of SoS.

4. Thus, Smt. Seema Gour, JTO(S) had spent/stayed 17 years 02 months in her home station i.e. Khamaria, Jabalpur out of her total service of 20 years 05 months so far. In accordance with the latest Rotational Transfer Policy (RTP) issued by DGQA HQ, New Delhi, Ministry of Defence dated 24 November, 2016. She became eligible for transfer like many other employees of the organization after rendering a cumulative service of 12 years, in a station (one of the cond. for RTP) and was ordered for transfer on 27 July, 2017 to QAE(ME), HE Fy. Pune.

5. Reference of reply dated 24.09.2018 of ADGQA, Kolkata, Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson, NCST has fixed a Sitting with the DGQA, Ministry of Defence for discussion in the matter on 02.11.2018. Accordingly, sitting notice was issued. However, the DGQA did not appear. Hence, Hon'ble Vice-Chairperson ordered for issuance of Summons to Lt. General Shamsheer Singh, DGQA for appearance in the Commission on 15.11.2018. Accordingly, Summons was issued.

6. Vide letter dated 08.11.2018 and 12.11.2018, the DGQA requested to the Hon'ble Vice-Chairperson for exemption for his personal appearance in the Commission due to prior official work on the day of Sitting. He deputed to Maj Gen Sanjay Chauhan, ADGQA(A) along with Shri EV Rao, Director and Shri I AK Sayad, Deputy Director to attend the Sitting in the Commission.

7. Maj Gen Sanjay Chauhan, ADGQA(A) along with other concerned officer appeared before the Commission on 15.11.2018. The petitioner Shri Rakesh Kumar along with his wife Smt. Seema Gour appeared before the Commission. Matter discussed in detail. During the discussion, Hon'ble Vice-Chairperson asked the petitioner to explain his/her grievances.

8. In Sitting, the petitioner, Smt. Seema Gour apprised to the Commission that she was transferred from QAE(ME) JTO (S) (Pilot Project Cell), QAE(ME), Khamaria, Jabalpur to AQE(ME) HE Factory, Pune on 27 July, 2017. During the transferred period her daughters were studying in Class X and XII and her names were registered for Board examination in the academic session 2018-19. She has also apprised that her husband Shri Rakesh Kumar is working in Uttar Pradesh State Government and posted in Lucknow. He is also unable to come from Lucknow to take care of grown up daughters after her transfer to Pune.

She further submitted to the Commission that she is the single lady employee at the QAE(ME) JTO (S) (Pilot Project Cell), which was transferred from Jabalpur to



Pune without any transfer policy. There is a policy in the Department that no employee can be transferred posted in Pilot Project to other station. She has also submitted that she is suffering from illness of Hypothyroid and Gynic problems. She has requested to the Department (CGQA) for consider her problems but Department has not bothered about her grievances.

9. Smt. Seema Gour submitted that there are several employees in the QAE(ME), which posted at one station for long time. For instance, Shri Ram Bali Singh, who is posted for last 20 years at one place without any disturbance. Shri V.K. Das also posted in same condition. Shri A.K. Rathore did not move despite transfer as per Rotation Transfer Policy. All above employees are belonging to general category. She was only lady employee transferred from Jabalpur to Pune since she belongs to Scheduled Tribe category. No request/representation from her side about here problem has been considered by the Department.

10. The case was discussed in detail. The Commission observed that it is a fact that the DGQA did co-operate with Smt. Seema Gour at primary stage of service. However, at the time of her grown up children and studying at Board level examination, she was harassed by way of transferring her to a far away place. The petitioner was working in Pilot Project at Jabalapur and as per service condition of the Pilot Project employee, no transfer can be made till the Pilot Project completed. She is a single lady employee under Scheduled Tribe category which may be considerable by the Department always under Transfer Policy. There is also a guideline of the DoPT, Govt. of India that the Scheduled Tribe employee should not be transferred far from native place and their candidature should be considered always. But Commission noted that the DGQA has not follow the DoPT guidelines in the instant case. The Commission felt that the Officers of DGQA assured the Commission that if the petitioner joined at transferred place, the Departmental will consider the attachment of the petitioner at Jabalpur till the completion of petitioner's children education. She will be given all eligible leave, salary etc as per rules.

11. Therefore, the Commission recommends that:

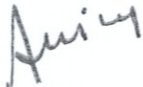
- The DGQA authority should consider the petitioner's posting on attachment basis for six months for Jabalpur after joining of service at Pune so that the study of petitioner's children could not be affected.
- The DGQA authority should grant leave, salary etc to the petitioner as per rules and payment of salary should be made immediately to the petitioner after she joins duty.
- The petitioner's posting at Jabalpur should be considered after completion of transfer tenure.

*Anusuiya*  
सुश्री अनुसुइया उइके/Miss Anusuiya Uikey  
उपाय्यक/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

- The Problems of Smt. Seema Gour about her health illness i.e. Hypothyroid and Gynic should be kept by the Department for co-operation and redressal always.
- Smt. Seema Gour is a Scheduled Tribe employee in DGQA, positive and sympathetic attitude should be kept by the Department always in her transfer matter.
- Priority in safeguard should be provided to every Scheduled Tribe lady employee in Rotation Transfer Policy in the DGQA.
- The DGQA should ensure that no discrimination/harassment should be made against any Scheduled Tribe employees in DGQA in future.

11. Compliance/action taken report should be submitted to the Commission within 15 days from the receipt of the proceedings.

\*\*\*\*\*

  
सुश्री अनुसुइया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. RK/2/2018/MDEF2/SETRAN/RU-IV)

**List of participants**

**NCST**

1. Miss. Anusuiya Uikey, Hon'ble Vic-Chairperson (In chair)
2. Shri Y.K. Bansal, Research Officer
3. Shri H.R. Meena, Sr. Investigator

**Officers of Ministry of Defence (DGQA)**

1. Major Gen. Sanjay Chauhan, ADG(A)
2. Shri V.K. Sohal, Controller
3. Shri E.V. Rao, Director-DQA (M&E) DGQA
4. Shri I.K. Sayad, Deputy Director DQA, (M&E)

**Petitioners**

1. Shri Rakesh Kumar
2. Smt. Seema Gour