



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)

File No. UT/1/2017/MTUR1/SEPROM/RU-IV

Dated: 28.05.2019

To,

1. **The Secretary,**
Ministry of Culture,
Shastri Bhawan,
New Delhi.

2. **The Director,**
National School of Drama,
Ministry of Culture,
Government of India,
Bahawalpur House, Bhagwan Das Road,
New Delhi – 110 001.

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivrate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 17.05.2019 in the matter of Shri Ujin Tirkey, Assistant, National School of Drama, New Delhi regarding promotion to the post of Assistant from retrospective effect against backlog ST vacancy.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 17.05.2019 under the Chairmanship of Smt. Maya Chintamn Ivrate, Hon'ble Member, 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 Member, NCST.

Yours faithfully,

Y.K. Bansal
(Y.K.) Bansal
Research Officer
Ph. 24645826

Copy to:

Shri Ujin Tirkey,
Assistant (Accounts Department),
National School of Drama,
Bahawalpur House, Bhagwan Das Road,
New Delhi – 110 001.

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ISSUED

o/c

NATIONAL COMMISSION FOR SCHEDULED TRIBES

UT/1/2017/MTUR1/SEPPROM/RU-IV

PROCEEDINGS OF SITTING HELD ON 17.05.2019 AT 02.00 P.M CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI UJIN TIRKEY, ASSISTANT, NATIONAL SCHOOL OF DRAMA, MINISTRY OF CULTURE, NEW DELHI REGARDING DENIAL OF PROMOTION TO THE POST OF ASSISTANT FROM RETROSPECTIVE EFFECT AGAINST BACKLOG ST VACANCY.

Date of Sitting: 17.05.2019

List of officers present in sitting is Annexed.

The petitioner Shri Ujin Tirkey vide his representation dated 08.09.2017 has submitted his grievances of denial of promotion to the post of Assistant from retrospective effect i.e. 08.10.2012 against backlog ST vacancy.

He alleged that one post in the cadre of Assistant was fallen vacant in the year 2012 and as per post-based reservation roster, the post was reserved for ST category. But, the NSD management has given promotion to general category employee on 08.10.2012 violating the reservation rules. At the time of promotion, he was eligible and fit for promotion accordingly to recruitment rules for the post of Assistant. But, the NSD management has ignored his promotion against ST vacancy and granted promotion in February, 2016. He has requested the Commission to intervene in the matter and promote him to the post of Assistant w.e.f. 08.10.2012.


2. The NCST vide its notice dated 25.09.2017 sought a report from the National School of Drama and Ministry of Culture. The National School of Drama vide its letter dated 01.05.2019 reported to the Commission that the matter of promotion to the petitioner Shri Ujin Tirkey, Assistant with retrospective effect was placed before the expert Committee constituted by the competent authority of NSD. The Committee members after detailed examination noted that there is a DoPT OM No. 20011/1/2006-Estt.(D) dated 03.03.2008, which provides that *"When appointments against unfilled vacancies are made in subsequent year or years either by direct recruitment or promotion, the persons so appointed shall not get seniority of any earlier year viz. year of Vacancy panel or year in which recruitment process is initiated but should get the seniority of the year in which they are appointed on substantive basis"*.

In view of the DoPT OM the promotion of the petitioner shall take effects from 20.02.2016 along with all benefits not from 08.10.2012.

3. As the Department's report was found to be unsatisfactory and therefore, a sitting was fixed on 17.05.2019 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST.

4. As per schedule, sitting was held on 17.05.2019. The Joint Secretary, Ministry of Culture, Registrar, National School of Drama, Assistant Registrar, National School of Drama along with the petitioner were present.

5. In sitting, the petitioner informed the Commission that he had joined as LDC on 22.02.1995 and thereafter promoted as UDC in 2004. As per recruitment rules to the post of Assistant, 8 years regular service is required for promotion. There was one ST vacancy in the



श्रीमती माया चिन्तमन इवनाते
Smt. Maya Chintamn Ivnate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

cadre of Assistant in the year 2012. He has made several representation to the NSD management for consideration his promotion against ST vacancy. However, the NSD administration has given promotion to general category candidate on 08.10.2012 ignoring his candidature. The NSD has no reservation rosters for all cadre posts as per DoPT guidelines. He was then promoted to the post of Assistant on 20.02.2016. In addition, on the intervention of the Commission, he has given ad-hoc promotion to the post of Assistant Registrar for 6 months on 19.03.2019. He should be considered for promotion to the post of Assistant w.e.f. 08.10.2012.

6. The Joint Secretary, Ministry of Culture informed the Commission that the Ministry has no role in the matter as the NSD is an autonomous organizations having their rules and regulations.

7. The Registrar, NSD informed the Commission that till 2015, the rosters for the post of Assistant were not being maintained. The promotions were being made on seniority basis. It is a fact that there was one vacancy in the cadre of Assistant in 2012 and one general employee was promoted. Thereafter, on receipt of the petitioner's representations an expert Committee was constituted to examine the case and preparation of reservation rosters. The Committee prepared the reservation roster and found out one ST backlog vacancy in the cadre of Assistant. Accordingly, the petitioner was given promotion on 20.02.2016 against backlog vacancy. There is also DoPT OM dated 03.03.2008 on the seniority and promotion from retrospective date. The said DoPT OM do not allow to grant seniority from retrospective effect. However, the Commission's recommendations will be implemented.

8. The case was discussed in detail. The Commission observed that the NSD administration has violated the DoPT guidelines/instructions dated 02.07.1997 on maintenance of reservation roster for various cadre of posts. In the instant case, no reservation roster was prepared and promotions were made on seniority basis. The NSD administration has accepted that there was one ST backlog vacancy in the cadre of Assistant and despite available of eligible ST candidate, the vacancy was filled up from the unreserved category. It seems to be a case of gross violation of Government's reservation policy. The Commission therefore recommends that the National School of Drama management should consider the promotion of ST official (Shri Ujin Tirkey) from the date of backlog ST vacancy (08.10.2012) on notional basis. The petitioner's further promotion may also be considered as per his eligibilities and department's rules and regulations. If required, the NSD administration will seek opinion from the DoPT in the matter. The Ministry of Culture will also monitor the case and will take expeditious action for deciding the case. The case should be decided within two months. An action taken report on the Commission's recommendations should be submitted within stipulated periods on the receipt of the proceedings.


श्रीमती माया घिंतामणि इन्नाते
Smt. Maya Ghintamni Innate
सदस्य / Member
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. UT/1/2017/MTUR1/SEPPROM/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Athram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Officers of the Ministry of Culture

Smt. Nirupama Kotru, Joint Secretary

Officers of National Institute of Drama

1. Shri Pradeep Kumar Mohanty, Registrar
2. Shri Naveen Bisht, Assistant Registrar

Petitioner

Shri Ujin Tirkey