



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

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

3141

File No. RSM/6/2019/STGDH/SEOTH/RU-I

Dated: 11/12/2019

To,

The Commissioner,
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre,
Jawaharlal Nehru Marg,
New Delhi- 110002

Sub: Representation dated 20.05.2019 of Shri Ram Sunder Meena, (R.S. Meena), Addl. Commissioner, North Delhi Municipal Corporation, (49/1 Bungalow Road, Kamla Nagar, Delhi) regarding non-conducting DPC meeting regularly by the North Delhi Municipal Corporation.

Sir,

I am directed to refer to the subject cited above and to enclosed copy of minutes of Sitting held in the National Commission for Scheduled Tribes on 19/11/2019 at 12:00 Noon under the Chairmanship of Shri H.C Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the sitting may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640.

Copy to:

Shri R.S. Meena,
Addl. Commissioner,
North Delhi Municipal Corporation,
49/1 Bungalow Road,
Kamla Nagar, Delhi - 110007
(Mob: 9717791190)

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (please upload on the Commission's website and also send the e-mail to concerned)

Government of India
National Commission for Scheduled Tribes

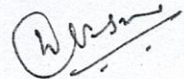
MINUTES OF SITTING HELD IN THE NCST'S HEADQUARTERS ON 19/11/2019 AT 12:00 NOON UNDER THE CHAIRMANSHIP OF SHRI H.C. VASAVA, HON'BLE MEMBER, NCST IN THE CASE OF SHRI RAM SUNDER MEENA (R.S. MEENA), ADDL. COMMISSIONER, NORTH DELHI MUNICIPAL CORPORATION, (49/1 BUNGLOW ROAD, KAMLA NAGAR, DELHI) REGARDING NON- CONDUCTING DPC MEETING REGULARLY BY THE NORTH DELHI MUNICIPAL CORPORATION.

(F. No. RSM/6/2019/STGDH/SEOTH/RU-I)

List of participants is annexed.

2. Shri R.S. Meena, Addl. Commissioner, North Delhi Municipal Corporation (North DMC) vide representation dated 20.5.2019 has pointed out irregularities in the DPC conducted by North DMC and requested to intervene in the matter for justice. As per procedure, the matter was referred to Commissioner North DMC for facts and comments vide letter dated 24.5.2019. The North Delhi Municipal Corporation vide letter No. SO-II/CED/NDMC/2019/765 dated 28.6.2019 had intimated that in view of the natural law and justice, a personal hearing was granted to Shri R.S. Meena by the Commissioner, North DMC on 18.4.2019. After considering all facts, a speaking order was issued on 24.4.2019 by the Commissioner, North DMC. Aggrieved from the speaking order dated 24.4.2019 of Commissioner, North DMC, Shri R.S. Meena had filed a Court Case before Hon'ble High Court of Delhi in WPC No. 5756/2019 requesting therein to quash the order dated 24.4.2019. The next date of hearing fixed for 09.8.2019. A Contempt Petition has also been filed by Shri R.S. Meena before Hon'ble CAT vide CP NO. 100/264/2019 in OA No. 100/1865/2016 regarding finalization of Seniority list of Assistant Commissioner/Dy. Assessor & Collector and further DPC to the post of Addl. Dy. Commissioner, JT. Assessor & Collector. The next date of hearing in this case is fixed for 29.7.2019. The matter is already sub-judice in the Hon'ble High Court and CAT, the Department is not in position to comment on the issue.

3. The petitioner vide his letter dated 20.8.2019 addressed to Commissioner, North DMC, and copy to NCST has forwarded copy of the order No. F.2(4)/CED/NDMC/2019/1254 dated 19.8.2019 on "final Seniority list of Assistant Commissioner/Dy. Assessor and Collector in three corporations i.e North/South/East", issued in compliance of Hon'ble Central Administrative Tribunal order passed in OA No. 1865/2016 and OA No. 4328 of 2015. As per



H.C. Vasava
Member
National Commission for Scheduled Tribes
Delhi

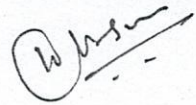
Seniority list the petitioner was placed at Sl. No. 35 (Sty. No. 48). The petitioner further pointed out that officers placed at SL. No. 36 to 45 (Sty No. 49 to 58) were promoted to the post of Additional Dy. Commissioner long back prior to his promotion to the post of Addl. Dy. Commissioner. The petitioner stated that he being Senior to these officer(s) should have been promoted to the post on or before the date of promotion to junior. The petitioner requested for giving promotion/scale of the post of the Additional Dy. Commissioner, Dy. Commissioner and Addl. Commissioner, as per rule, from the due dates i.e it was given to his juniors, as stated above with all consequential benefits as given to them.

4. Further, petitioner vide rejoinder dated 20.9.2019 refuted the facts submitted by North DMC vide letter No. SO-II/CED/NDMC/2019/765 dated 28.6.2019. It was also informed that no matter is sub-judice, as stated by the North DMC. All matter are finalized but the North DMC is making one excuse or the other for implementing the same and they are only killing time as he is going to retire on 31.12.2019. No regular DPC done for the said post(s) for the last about more than 30 years and have no relevance with the present case. Therefore, a sitting be fixed with Administration of North DMC to resolve the case.

5. The Hon'ble Member fixed the sitting for 19.11.2019 at 12:00 Noon to discuss the matter with Commissioner North DMC and petitioner to resolve the issue. The sitting notice was issued on 04.11.2019. Commissioner North DMC vide letter No. AC/CED/NDMC/2019/2142 dated 19.11.2019 informed that she will appeared on 19.11.2019 before Hon'ble NGT along with Chief Secretary GNCTD. Therefore, she will not able to attend the sitting. The Assistant Commissioner/(Estt) and other officials will attend the sitting.

6. In the sitting, Assistant Commissioner/(Estt) and Administrator officer, North DMC and petitioner were present. The Hon'ble Member asked the petitioner to explain the grievances and problems. The petitioner raised the following issues and requested for justice:-

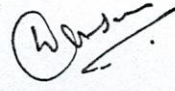
- (a) That his case is of pay parity/pay anomaly as his juniors namely Sh. S.C. Kohli and ors. were given ad-hoc promotions to the post of Additional Dy. Commissioner w.e.f. 18.1.2001 onwards and petitioner got ad-hoc promotion(s) to the same post w.e.f.



हरशदभाई वाचावा/Harshadhbhai Vachava
सदस्य/Member
राष्ट्रीय आयोग/राष्ट्रीय आयोग
National Commission for Scheduled Tribes
एन.सी.एस.टी.
New Delhi

04.09.2002. No annual DPC for the said post was done in UPSC since, 1991 as per DoPT instructions. However, as per final Seniority list of Assistant Commissioner/ Dy. Assessor & Collector issued vide order F.2(4)/CED/NDMC/2019/1254 dated 19.8.2019 of North DMC, Shri S.C. Kohli & ors. were placed in the panel year 1997-98 (S.N 46 and Sty. No. 59) and the applicant was placed in the panel 1996-97 (S.N. 35, Sty No. 48) in compliance of office order dated 07.7.2015, issued by Director (Personnel), CED, North DMC, in pursuance of recommendations given by the UPSC in the DPC held on 08.6.2015 in which reservation policy was followed.

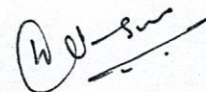
- (b) Shri S.C. Kohli and ors. were given ad-hoc promotion of Dy. Commissioner w.e.f 15.9.2006 whereas petitioner was given current duty charge to the said post on 12.4.2007 and ad-hoc promotion w.e.f 19.2.2016.
- (c) Shri Deepak Hastir who was at S.No. 50 (Sty No. 63) and others were given current duty charge promotion of Additional Commissioner w.e.f 03.10.2011 and ad-hoc promotion to the post of Additional Commissioner w.e.f 25.10.2016 whereas the petitioner was given Look After Charge of the post of Additional Commissioner w.e.f. 25.10.2016 in the same order. The ad-hoc scale/promotion(s) may please be given to the post of Addl. Dy. Commissioner, Dy. Commissioner and Addl. Commissioner from the date(s) when it was given to juniors on all the said post (s) with all consequential benefits as given to juniors and in many other cases too, as he going to retire on 31.12.2019.
- (d) A final Seniority list of AO/AA&C/ALWO was circulated by the North DMC vide circulated No. UDC-II/Dir. (P)/CED/NDMC/2015/1239 dated 27.3.2015, where in the names of retirees were in the said list and all retirees were considered by the UPSC in the DPC held on 08.6.2015. Therefore, revised final seniority list dated 07.11.2019 be withdrawn and DPCs be called at the earliest for the next higher posts since petitioner is going to retire 31.12.2019.


हर्षदभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत शासन/Govt. of India
नया दिल्ली/New Delhi

(e) In order to delay the matter the North DMC vide circular No. 2(4)/CED/NDMC/2019/2062 dated 07.11.2019 had issued a revised final Seniority list. In this list, names of all retired employees deleted deliberately and showing the date of appointment as Assistant Commissioner/Dy. Assessor & Collector as on 07.7.2015, which is not as per rule and this is a delay tactics as the applicant has been working as Assistant Commissioner w.e.f 01.3.1996 on ad-hoc basis and regularize as Assistant Commissioner/Dy. Assessor & Collector in the panel year 1996-97 by the UPSC and the North DMC has filed compliance affidavit in the Hon'ble CAT by enclosing final Seniority list dated 19.8.2019 with the result Hon'ble CAT close the said CP. Then how the North DMC had issued revised final Seniority list. It is a matter of serious concern.

(f) No year- wise Department Screening Committee/Departmental promotion Committee was held for the post of Addl. Commissioner w.e.f 2007-08 onwards. Only current duty charge was given to Shri A.K. Singh, Shri Deepak Hastir and Smt. Kiran Dabral and thereafter ad-hoc scale was granted to Shri Deepak Hastir and ors. on 25.10.2016. As the posts were vacant and the applicant was eligible/available in the year 2009-10, so North DMC be prevailed to give a scale of Addl. Commissioner from due date by conducting year wise Department Screening Committee as per DoPT instructions, so that applicant get scale of Addl. Commissioner as per eligibility.

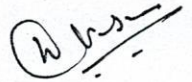
7. The Hon'ble Member asked the representative of North DMC to explain the action taken by their Department. Representative of North DMC reiterated facts and comments submitted to NCST by North DMC vide letter No. SO-II/CED/NDMC/2019/765 dated 28.6.2019. In addition to that a copy of circular No.2(4)/CED/NDMC/2019/2062 dated 07.11.2019 of North DMC regarding "revised final Seniority list of Assistant Commissioner/Dy. Assessor & Collector in three Corporation i.e North/South/East effective from 07.7.2015" was provided. The representative of North DMC was unable to give the answer of queries/issue raised by petitioner.



8. The Hon'ble Member observed that regular DPC had not be convened by the North DMC for the said posts. The revised final Seniority list dated 07.11.2019 also appears to be not correct, as the final Seniority List issued on 19.8.2019 is appears to be as per DoPT guidelines.

9. After detailed discussions with the representative of North DMC and petitioner, the Hon'ble Member recommends that the North DMC should take action on the following points and submit the report within 10 days for deciding further course of action in the matter.

- (i) Shri R.S Meena should be given scale/promotion to the post of Addl. Dy. Commissioner/Dy. Commissioner and Addl. Commissioner from the date(s) when it was given to his juniors on all the said post(s) with all consequential benefits as given to his juniors and in many other cases, as petitioner is going to retire on 31.12.2019, so that pay anomaly/parity be removed
- (ii) Seniority list circulated vide letter No.2(4)/CED/NDMC/2019/2062 dated 07.11.2019 of North DMC be withdrawn because final Seniority List already issued in-compliance of Hon'ble Central Administrative Tribunal order passed in OA No. 100/1865/2016 and OA No. 100/4328/2015 vide letter dated 19.8.2019 by the North Delhi Municipal Corporation.
- (iii) Date of last DPC convened by the North DMC for the said post(s) should be intimated.
- (iv) DPCs should be convened for the posts of Addl. Dy. Commissioner, Dy. Commissioner and Addl. Commissioner before December, 2019, so that petitioner is not deprived from the legitimate rights.
- (v) As no regular DPCs was held since 1991 for the said posts, thereby, deprived rights of reserved candidates. This to be investigated and to fix the responsibility for the said lapses.



हर्षदभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय आरक्षणित जनजाति आयोग
National Commission for Scheduled Tribes
संस्कृत भवन, Govt. of India
नया दिल्ली/New Delhi

**Government of India
National Commission for Scheduled Tribes**

(F. No.RSM/6/2019/STGDH/SEOTH/RU-I)

List of participants of the sitting held on 19/11/2019 at 12:00 Noon under the Chairmanship of Hon'ble Member, H.C.Vasava, NCST in the case of Shri Ram SunderMeena, (R.S. Meena), Addl. Commissioner, North Delhi Municipal Corporation, (49/1 Bunglow Road, Kamla Nagar, Delhi) regarding non- conducting DPC meeting regularly by the North Delhi Municipal Corporation.

I National Commission for Scheduled Tribes

1. Shri H.C. Vasava, Hon'ble Member In Chair
2. Dr. Lalit Latta, Director
3. Shri S.P. Meena, Assistant Director
4. Shri R.S. Misra, Senior Investigator
5. Shri Manoj Mishra, PS to Hon'ble Member (HCV)

II North Delhi Municipal Corporation.

- 1 Shri Raminder Singh, Assistant Commissioner (Estt)
- 2 Shri P.K. Jolly, Administrative Officer

III Petitioner

Shri R.S. Meena