

Speed Post



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

File No. BP/1/2018/MLAB1/SEPROM/RU-III

Date: 17.12.2019

To,

1. The Chief Secretary,
Govt. of Andhra Pradesh,
Building No. 1, 1st Floor,
AP Secretariat,
Velagapudi, District-Guntur-522503
(Andhra Pradesh)
2. The Secretary,
General Administration Department,
Block No. 1, Ground Floor,
AP Secretariat, Velagapudi,
District – Guntur – 522503,
(Andhra Pradesh)
3. The Medical Director,
Insurance Medical Services, AP
2nd line, Kedaeswara Peta,
Near Prabhas College of Education,
Vijayawada, Andhra Pradesh 520003

Sub: Minutes of Meeting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes, (NCST) on 21.11.2019 in the matter of Representation dated 01.10.2018 received from Smt. B. Padmavathi, Staff Nurse, ESI Hospital, Visakhapatnam regarding for not giving promotion as a Head Nurse under ST Category, Zone-I.

Sir,

I am directed to enclose herewith a copy of Minutes of Meeting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 21.11.2019 at 04.00 p.m. for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within 30 days.

Encl: As above

Yours faithfully,

(Dr. Lalit Latta)
Director

Copy to:

1. Smt. B. Padmavathi, Staff Nurse, ESI Hospital TRS, Visakhapatnam
2. PS to Hon'ble Chairperson, NCST
3. SAS, NIC, NCST upload on the web site.

Government of India

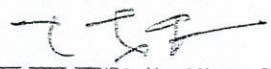
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(BP/1/2018/MLAB1/SEPROM/RU-III)

PROCEEDING OF SITTING TAKEN BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST ON 21/11/2019 IN THE CASE OF SMT. B. PADMAVATHI, STAFF NURSE, ESI HOSPITAL, VISHAKHAPATNAM REGARDING DEPRIVATION IN PROMOTION AS A HEAD NURSE UNDER ST CATEGORY, ZONE I.

Date of sitting : 21/11/2019
List of officers present in sitting : Annexure

1. The National Commission for Scheduled Tribes received a representation dated 27/03/2019 from Smt. B. Padmavathi regarding deprivation in promotion as a head nurse, under ST category by ESI hospital, Vishakhapatnam. The Commission took cognizance of the complaint and information was sought on 29.11.2018 from Respondents by sending notice.
2. In this case last sitting was held on 17/05/2019 and recommendation of the Commission was as under :-
 - When the roster started in 2004, the ST candidate was placed at the 8th position. In the next meeting, the Secretary of General Administration Department, Govt. of A.P should tell that this roster is correct or wrong.
 - In this case the Chief Secretary should be present personally in the next sitting.
 - The Chief Secretary, Govt. of A.P and Director General of Police A.P. are directed that a case under SC&ST (PoA) Act, 1989 should be registered against the Director, Dr. G. Vijay Kumar, Special Grade Civil Surgeon ESI hospital for wilfully depriving ST Candidate.
3. No action taken report has been received by the Commission from the Department. As per the directions of the Hon'ble Chairman a sitting was convened on 21/11/2019 at 16.00 Hrs. In the sitting Dr. T. Samrajyam, DIMS and Dr. B. Chandrasekhar, JD from the insurance of medical services were present.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4. During the sitting, the Commission first desired to know the position of petitioner, who submitted that the Department has not maintained roster stating that the Department has started roster register only from year 2004 while they were appointed in 1995. There were 7 posts in the category of Head Nurse in ESI Hospital, Visakhapatnam. One post was to be filled by ST candidate as per the existing rules of reservation but their representation was not taken into consideration by the Authorities. The Department has not made the roster according to RR discriminating the petitioner. Department did not take any action on the Commission's recommendation.
5. The officers of Insurance Medical Services stated that the Department is following the 100 point roster of Andhra Pradesh Government. G.O. no. 5 on reservation. This roster was started from the year 2004 which is vacancy based not post based. which is regularly reviewed by the Commissioner, Department of Tribal Welfare, Govt. of AP whether its conforms with the G.O no. 5.
6. The petitioner stated that after 24 years of service she did not get any promotion. If she is not eligible and service record is not well, then how an employee can work since last 24 years, also stating that she was issued show cause notice for approaching the Commission for justice.
7. The officers of Insurance Medical Services stated that the roster has been started from 2004. There was only 7 post of head nurse and ST Candidate was placed at the 8th position. She will get the promotion either as per seniority or as and when ST point will come, whichever is earlier. Now point reserved for ST category will come at point no 25.
8. The Commission, after hearing both sides made the following recommendation;-
 - Roster should be prepared from year 1996, as per Govt. of AP instructions and the insurance medical services Department should correct this roster.
 - It should revoke the show cause notice given to petitioners.
 - When the case is in consideration in the Commission, The Department should have refrained from transfer; The petitioner.

In compliance with the above recommendations, the Commission should be made informed the action taken report within one month of receipt of the proceedings.

13.11.05
डॉ. नन्द कुमार सेन / Dr. Nand Kumar Sen
अध्यक्ष / Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Government of India

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(BP/1/2018/MLAB1/SEPROM/RU-III)

LIST OF PARTICIPANTS IN THE SITTING HELD ON 21/11/2019 AT 16.00 HRS. IN THE NATIONAL COMMISSION FOR SCHEDULED TRIBE, NEW DELHI. IN THE CASE OF SMT. B. PADMAVATHI, STAFF NURSE, ESI HOSPITAL, VISHAKHAPATNAM REGARDING DEPRIVATION IN PROMOTION AS A HEAD NURSE UNDER ST CATEGORY, ZONE I.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

- | | | |
|------------------------|---------------------|----------|
| 1. Dr. Nand Kumar Sai, | Hon'ble Chairperson | IN CHAIR |
| 2. Shri H. K Damor, | Hon'ble Member | |
| 3. Shri H. C. Vasawa | Hon'ble Member | |
| 4. Shri K. Touthang, | Joint Secretary | |
| 5. Dr. Lalit Latta, | Director | |
| 6. Shri R. K. Dubey, | Asst. Director | |
| 7. Shri A. K. Dwivedi, | Consultant | |

OFFICER OF THE ESI HOSPITAL, VIJAYAWADA, ANDHRA PRADESH

- | | |
|------------------------------|----------------|
| 1. Dr. T. Samrajyam, | DIMS |
| 2. Dr. Dr. B. Chandrasekhar, | Joint Director |

PETITIONER

1. Smt. B. Padmavathi

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi