



सत्यमेव जयते

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

File No. RP/10/2019/STGDH/SEOTH/RU-I

Dated: 21/1/2020
22

1. The Chief Secretary,
Govt. of NCT Delhi,
Delhi Secretariat,
Delhi-110002

2. The Secretary,
Service Department,
GNCTD,
Delhi Secretariat,
New Delhi-110002
(Ph. No. 23392038)

3. The Secretary,
Education Department,
GNCTD
Delhi Secretariat,
Delhi-110002

Sub: Representation dated 22.11.2019 of Shri Ram Phool Meena, Administrative officer, Directorate of Higher Education of GNCTD (Retd. Under Rule 56(J) regarding reinstate in service in the interest of Justice.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held on 15/01/2020 at 11:45 A.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter for information.

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

Yours faithfully,

राम जन्म चौधरी
(Ram Janam Choudhary) 22/1/20
Assistant Director/सहायकनिदेशक
Tel: 011-24641640.

Copy to:

Shri Ram Phool Meena,
R/o A-200, Arvind Enclave,
(Amar Colony) Nangloi,
Delhi-110041
(Mob: 9999456947)

Copy for information to:

✓ NIC, NCST (please upload on the Commission's website)

National Commission for Scheduled Tribes

(RP/10/2019/STGDH/SEOTH/RU-I)

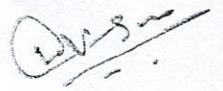
MINUTES OF SITTING HELD IN THE NCST'S HEADQUARTERS ON 15/01/2020 AT 11:45 A.M. UNDER THE CHAIRMANSHIP OF SHRI H. C. VASAVA, HON'BLE MEMBER, NCST IN THE CASE OF SHRI RAM PHOOL MEENA, ADMINISTRATIVE OFFICER, DIRECTORATE OF HIGHER EDUCATION OF GNCTD (RETD. UNDER RULE 56(J) REGARDING REINSTATE IN SERVICE IN THE INTEREST OF JUSTICE.

List of participants is annexed.

Shri Ram Phool Meena, Administrative Officer, Directorate of Higher Education of Govt. of National Capital Territory Delhi (GNCTD) vide representation dated 22.11.2019 has stated that the Chief Secretary, GNCTD had retired him under Rule 56 (J) of CCS (Pension) Rules, 1972 and requested to enquire and issue suitable directions to withdraw the order dated 31.10.2019. The National Commission for Scheduled Tribes (NCST) took up the matter with the Chief Secretary, GNCTD and Secretary, Education Department, GNCTD for furnishing the facts within 30 days of receipt of the notice. An endorsement of this letter was sent to Secretary to Hon'ble Lt. Governor GNCTD. The Services Department, GNCTD vide letter No. 30/182/07/S.I.pt.file/4863 dated 26.12.2019 had furnished the facts and comments on the issue raised by Shri Ram Phool Meena. As per procedure, the facts submitted by Services Department, GNCTD was referred to petitioner for satisfaction. The petitioner vide rejoinder dated 01.01.2020 had refuted the facts and requested to call concerned Officer to discuss the issue as soon as possible as this case relates with life, livelihood and my family. The Hon'ble Member, Shri H.C. Vasava fixed the sitting on 15.01.2020 at 11.45 AM to discuss the issue with the Chief Secretary, GNCTD, Secretary, Education Department and Secretary, Services Department, GNCTD and petitioner. Accordingly, the sitting notice was issued on 06.01.2020 to all concerned and petitioner.

The Secretary, Department of Education, GNCTD and Special Secretary, Services Department, GNCTD was appeared in the sitting held on 15.1.2020 and petitioner was also present in the sitting.

The Hon'ble Member asked the petitioner to explain the issue. The petitioner, Shri Ram Phool Meena, explained that as there were no doubtful integrity, no inquiry pending, no charge



sheet pending. No FIR/criminal case pending, no penalty pending, no adverse entry in APARs, no physically unfit and more so when as per the performance review report submitted by the Director (Higher Education)/HOD my overall conduct was considered satisfactory and my case was not recommended for compulsory retirement under rule 56(J). The order regarding compulsory retiring from service is not only impartial but are arbitrary, prejudice, unlawful, against the natural justice and also against the public interest, has been passed without having due consideration to the criteria/reasonable grounds. The facts submitted by Services Department, GNCTD is not correct.

The Hon'ble Member asked the Special Secretary, Services Department to explain the facts and action taken by the GNCTD. The Special Secretary, Service Department had reiterated the facts submitted by Service Department to NCST vide letter No. 30/182/07/S.I.pt.file/4863 dated 26.12.2019 and stated that the Review Committee was constituted by the Delhi Govt. to Review the cases of Ad-hoc DANICS officers under Rule 56(J) and Rule 45 of CCS (Pension) Rules, 1972. On the recommendation of Review Committee the petitioner has been compulsory retired from the service vide order No. 30/21/2019/S-I dated 31.10.2019 duly signed by Chief Secretary, Delhi.

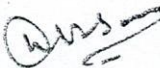
The Hon'ble Member asked the Special Secretary to produce relevant documents in respect of doubtful integrity of the petitioner and report of the Review Committee. The Special Secretary was unable to produce the said document. The Hon'ble Member asked Special Secretary, Services to produce the documents/papers before NCST by 03:30 PM on 15.1.2020. The sitting was over. The Special Secretary, Services Department appeared before the Hon'ble Member along with relevant documents at 03:30 PM on 15.1.2020. The minutes of Review Committee held on 28.8.2019 under the Chairmanship of Secretary, Services Department was provided. In addition to that, copy of the letter No. F.10/D.I/DOV/2017/19092 dated 16.11.2017 of Directorate of Vigilance, GNCTD addressed to Superintendent of Police, CBI, Lodhi Road, New Delhi along with relevant portion of the, "List of officers of Doubtful Integrity" in respect of the officers of Govt. of NCT, Delhi for the year 2017 prepared by Vigilance Department and copy of the letter No. F.10/D.I/DOV/2018/1231 dated 22.1.2019 of Directorate of Vigilance, GNCTD addressed to Superintend of Police, CBI, Lodi Road, New Delhi along with relevant portion of the, "List of officers of Doubtful Integrity" in respect of officers of GNCTD for the year 2018 prepared by Department Vigilance were provided to the Commission.



It has been observed that Review Committee held on 28.8.2019 comprised of Secretary, Services, GNCTD as Chairperson, Special Secretary, Finance, GNCTD as a Member, Director (Finance) Delhi Jal Board, as a Member and Special Secretary, Services GNCTD as a Member recommended that 13th candidates may be compulsory retired from Govt. Service. The name of petitioner was listed as Sl. No. 11 in the list of candidates. The Review Committee in its concluding remarks against the petitioner mentioned that "the Committee accordingly observed that the officer has failed to perform duty diligently and his lack of supervision over his subordinates resulted in the incidence of illegal gratification. The conduct and reputation of the officer is such that his continuation in service cannot be considered to be beneficial to public. Based on these observations, the Committee recommended that Shri Ram Phool Meena, Ad-hoc DANICS may be compulsory retired from government services as his overall conduct is not found conducive for his continuation in service in larger public interest".

The Commission observed that the concerned department had not given opportunity to Shri R.P. Meena to present his case. Though the Review Committee has recommended the name of the petitioner for compulsory retirement, accordingly, the petitioner has been compulsory retires from the services by the Govt. of Delhi vide order dated 31.10.2019.

After detailed discussion with the representative of Service Department of Govt. of GNCTD and Secretary, Education Department and other Sr. Officers of Delhi Govt. and petitioner, the Hon'ble Member is of the view that the Commission is not in position to give any suggestion/recommendation to Govt. of Delhi. However, it is advised that petitioner may approach appropriate form for justice.



(H.C. Vasava)

Member

National Commission for Scheduled Tribes,

New Delhi

Government of India
National Commission for Scheduled Tribes

(F. No. RP/10/2019/STGDH/SEOTH/RU-I)

List of participants of the sitting held on 15/1/2020 at 11:45 AM under the Chairmanship of Hon'ble Member, Shri H.C. Vasava, NCST in the case of Shri Ram Phool Meena, Administrative officer, Directorate of Higher Education of GNCTD (Retd. Under Rule 56(J) regarding reinstate in service in the interest of Justice.

I National Commission for Scheduled Tribes

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

II Education Department, GNCTD

- 1 Shri Sandeep Kumar, Secretary
- 2 Shri S.S. Gur, Director , Higher Education

III Services Department, GNCTD

- 1 Shri C. Uday Kumar, Special Secretary
- 2 Shri Ashwani Kumar Mehta, Dy. Secretary

IV Petitioner

Shri Ram Phool Meena