

Proceedings of the Sittings taken by Shri Bheru Lal Meena, Hon'ble Member, National commission for Scheduled Tribes on 19/06/2014 in the matter of Shri Shyam Singh, Area Organizer, regarding supersession in seniority and promotion.

The following were present:

National Commission for Scheduled Tribes

1. Shri Bheru Lal Meena, Hon'ble Member
2. Mrs. K.D. Bhansor, Director
3. Shri H.R. Meena, Senior Investigator
4. Shri Richpal Singh, Consultant

Ministry of Home Affairs

1. Shri Shantanu, Director,
2. Shri R.P. Gupta, Under Secretary

Shashtra Seema Bal

1. Shri Somesh Goyal, IG, SSB,
2. Shri P.K. Gupta, DIG,
3. Shri Vandan Saxena, Assistant Director,(Pers)

Petitioner

1. Shir Shyam Singh, Area Organizer, Shastra Seema Bal.

Backgorund of the Case

Shri Shyam Singh, Area Organizer, Staff Officer (Personnel & Training) represented to the Commission on 22/03/2012 and filed another representation on 24/02/2014 that he was superseded in promotion from Joint Area Organizer to Area Organizer on ad hoc basis on the basis of grading of ACR for the years 2001-02, 2002-03, 2003-04, 2004-05, 2005-06. NCST vide letter dated 12/06/2012 invited comments/report on the allegation leveled by the petitioner. MHA vide letter dated 10/07/2012 intimated the detailed case position and action taken in (Annexure-I). In the letter MHA, informed:-

2. "that the representation of Shri Shyam Singh, AO is under consideration with other cases and the decision will be conveyed in due course of time. However, the name of officer has been placed in the promotion order dated 12/12/2011 against the vacancy year 2009-2010 appropriately as per the recommendations of the Review DPC for promotion".

"Shri Shyam Singh has been recommended by the Review DPC 'fit' for promotion to the rank of Area Organiser against the vacancy year 2009-2010, he has been promoted to the rank of area Organiser w.e.f. 01/04/2009 and his name has been shown n the promotion order dated 12/12/2011 appropriately. His ST category status is maintained. "No harassment and discrimination has been done against the officer concerned, as alleged."


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3. Thereafter, there had been protracted correspondence in the matter forwarding the representation and rejoinders of the petitioner to Joint Secretary, MHA.

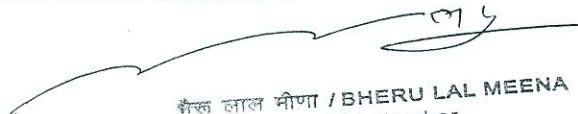
4. A sitting was fixed by Hon'ble Member, Shri Bheru Lal Meena dated 19/06/2014 to examine the issue and the following documents/records were called from MHA.

1. Reservation Roster maintained for the post.
2. Seniority list of Area organizer.
3. Recruitment Rules for the Post of Area Organizer.
4. Department Promotion Committee's minutes of the DPC's held on 01/01/2011.
5. Any other related documents.

5. IG, SSB explained the case of Shri Shyam Singh and reiterated their stand explained through correspondence to NCST. The petitioner Shri Shyam Singh was also give opportunity to explain the merit of the case. Having heard the officers present and the petitioner.

6. The Commission pointed/drew the attention of Director, MHA and IG, SSB to the letter No. 14/SSB/Pers-1/2004(20) 10085 dated 24/09/2012 of DG, SSB: that

- (i) that Shri Shyam Singh has been recommended 'fit; for promotion to the rank of area Organiser by the Review DPC held on 30/09/2011 against the vacancy year 2009-2010.
- (ii) that Shri Shyam Singh has been promoted to the rank of Area Organiser w.e.f. 01/04/2009 nationally and his name has been shown in the promotion order dated 12/12/2011 appropriately.
- (iii) that Shri Shyam Singh ST category status is maintained." That Promotion Order of Area Organizers in SSB issued by SSB Directorate General Order No. 7/SSB/A2/2006(2) III - 13228 -312 dated 12/12/2011 in which seniority of Shri Shyam Singh has been shown at SI No. 20 with effect from 01/04/2009 for the vacancy year 2009 - 2010. Superseding shri S Singh in Seniority below SI No. 10 i.e. Shri Sansar Chand & Other Officers for the vacancy year 2007-08 and 2008-09.
- (iv) Whereas promotion case of Shri Shyam Singh for Adhoc Area Organizer for the vacancy year 2007-08 was decided by MHA ID No. CR-47329/08/Pers.III dated 29/01/2009 and promotion order was issued restoring his original seniority by SSB Directorate General Order No. 7/SSB/A2/2006(2)-989 - 1035 dated 30/01/2009 and compliance was submitted by SSB letter No. 7/SSB/A2/2006(2)-1050-51 dated 30/01/2009 to the Commission.
- (v) As per SSB Directorate General Order No. 7/SSB/1/2006(2)II-2026-80 dated 25/02/2010 regular promotion order of Area Organizer issued retaining his original seniority that is above Shri Sanshar Chand at SI No. 9.

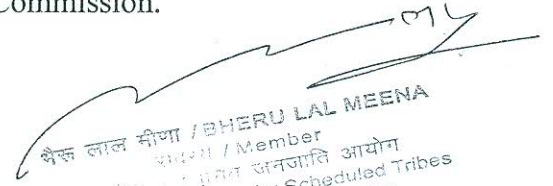

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(vi) Shri Shyam Singh has been shown senior to Shri Sansar Chand in Seniority list of Area Organizer for the year 2009, 2010 and 2011.

7. In view of above observation that Supersession of Shri Shyam Singh in order No. 7/SSB/jA2/2006(2)III 13228-312 dated 12/12/2011 needs to be corrected as the case of Promotion of Shri Shyam Singh was settled against the vacancy for the year 2007-08 and he was promoted restoring his seniority accordingly.

With the following observations Commission advised to review/re-check the anomaly/ irregularity and action taken corrective for restoration of seniority and promotion and submit compliance report in the matter.

Inspector General, SSB assured to re-look into the case and requested for 30 days time to submit the compliance/action taken report to the Commission.


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