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By Speed Post



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

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

File No. AM/09/Water Res./Ser./2009/RU-I

Date: 06/11/2014

To

The Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi.

Sub: Representation dated 03/04/2013 and 13/11/2013 and 15/03/2014 from Shri R.P. Meena, Sub Divisional Engineer regarding promotion of Assistant Executive Engineer in CWC.

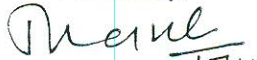
Sir,

I am directed to forward herewith a copy of the proceedings of the sitting held in this Commission on 23/06/2014 in the above case for your information and necessary action.

It is requested that action taken report with reference to the above proceedings may be sent to this Commission at the earliest.

Enclosure: as above

Yours faithfully,


(Pramod Chand)
Deputy Secretary

Copy for information to

Shri R.P. Meena,
Sub Divisional Engineer,
Lower Yamuna Sub Division,
R/o B-5, Kalindi Bhawan,
Qutub Institutional Area,
Katwaria Saraim,
New Delhi – 110066.

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NOT ISSUED

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

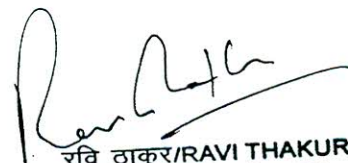
F. No. AM/09/WR/01/SER/2009/RU-I

Proceedings of the sitting taken by Shri Ravi Thakur, Vice-Chairperson, NCST on 23/06/2014 in the matter of Shri R.P. Meena, Assistant Engineer regarding regular promotion with retrospective effect, to the grade of Assistant Engineer in Central Water Commission.

Date of Sitting – 23/06/2014

List of participants – (Annexure – I)

1. The Sitting was chaired by Shri Ravi Thakur, Vice-Chairperson, NCST with officers of Ministry of Water Resources on the representation of Shri R.P. Meena, Assistant Engineer regarding regular promotion with retrospective effect, to the grade of Assistant Engineer in Central Water Commission.
2. The Secretary, Central Water Commission did not attend the Sitting nor sent any information for exemption from the sitting. On behalf of CWC, Shri P.K. Jain, Chief Engineer and Director, alongwith other officers came for discussion before the Commission on 23/06/2014.
3. The Vice-Chairperson asked Shri R.P. Meena to explain his grievance. Shri Meena submitted that he was working as Assistant Engineer in Central Water Commission and was promoted to the grade of EAD/AE on adhoc basis vide Central Water Commission office order dated 09/10/2002. Subsequently, two officers namely S/Shri U.C. Tamta and Nathuni Ram, belonging to SC category were promoted to the grade of EAD/AE on adhoc basis vide Central Water Commission order dated 09/06/2013. These two officers were regularized alongwith 131 officials to the grade of EAD/AE vide Central Water Commission office order dated 28/05/2004. He further submitted that in the promotion of 131 officers, 20 posts were filled by Scheduled Caste candidates against 15% quota and 10 posts were to be filled up by STs against 7.5% quota. However, out of 131 officers promoted on regular basis, 26 belonged to SC and only 2 belonged to ST promoted against 10 posts. Shri R.P. Meena has further stated that his adhoc promotion be regularized from the date of joining i.e. 28/10/2002 against the vacancy available for ST category for the post of EAD/AE.



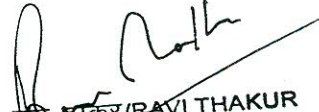
रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4. Shri Meena also pointed out that the last DPC for promotion to the grade of EAD/AE was held on 13/11/1997 to fill up 19 vacancies for the year 1997-98. Thereafter, regular promotion to the grade of EAD/AE could not be done due to
- A large number of senior officers in the grade of EAD/AE officiating in the higher grade of AE/AEE (Group-A) on adhoc basis and consequently not creating regular vacancies; and
 - Non-settlement of the issue of revised pay scale for the grade of EAD/AD consequent to the revision of recruitment rules.
5. Shri R.P. Meena said that so far as he is concerned, he belonged to ST category and was appointed, as a Diploma holder, as Junior Engineer on 17/09/1986 and hence became eligible for promotion to the grade of EAD/AE w.e.f. 18/09/1993.
6. The officers of CWC reiterated their stand communicated to NCST vide letter no 19/35/2008-Estt.I dated 27/09/2011 from the Ministry of Water Resources enclosing the letter dated 20/06/2011 of CWC and referred to Recruitment Rules. Having heard the petitioner and the version of the CWC with regard to Reservation and the prescribed method of Recruitment, the NCST discussed the notified Recruitment Rules dated 08/01/1981 which are as under:-

“Mode of Promotion”

Recruitment to the Service by promotion shall be made on the recommendations of the Departmental Promotion Committee (Group B) constituted by the Government by selection on the basis of merit with due regard to seniority from amongst persons employed in the Commission in the following grades, namely


- Design Assistant (Engineering)
- Supervisor, and
- Head Draftsmen.


 रावि ठाकुर/RAVI THAKUR
 उपाध्यक्ष/Vice Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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7. On perusal of Recruitment Rules, the officers of CWC stated that as per Recruitment Rules, method of promotion is by Selection and procedure is followed accordingly. It was pointed out to officers of Central Water Commission that the Recruitment Rules are ample clear that DPC (Group B) constituted by the Government is by selection on the basis of merit with due regard to seniority from amongst the persons employed in the CWC.
8. The NCST observed that the CWC have interpreted their Recruitment Rules differently and not in the correct perspective. The attention of the CWC was invited to DoP&T instructions from time-to-time and the DoP&T's O.M.No. 35034/7/97-Estt.(D) dated 15/09/2005 (Annexure-II) 'No supersession in promotion - review of Recruitment Rules' on scrutiny of the Recruitment Rules/notification Rules.
9. The Vice-Chairperson took serious note that the CWC have followed Recruitment Rules indifferently. The Commission advised the CWC:-
 - i. That Recruitment Rules provide mode of promotion by selection on the basis of merit with due regard to seniority may be got clarified in the light of DoP&T's O.M.No. 35034/7/97-Estt.(D) dated 15/09/2005 and action taken accordingly.
 - ii. The details of the Scheduled Tribe posts dereserved by CWC in the past in the cadre since inception with summary may be furnished to the NCST for examination.
 - iii. The case of Promotion of Shri Meena to the post of Assistant Engineer may be reviewed as discussed above.

A Compliance report on the issue may be sent to the Commission.



रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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ANNEXURE - II

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No. 35034/7/97-Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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New Delhi-110 001
September 15, 2005

OFFICE MEMORANDUM

Subject: - No supersession in promotion- Review of Recruitment Rules.

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The undersigned is directed to invite attention to the provisions of DoPT O.M. of even number dated 16th February, 2005 (copy enclosed) on the above noted subject and to say that the status report sought by 31st May, 2005 regarding review of the existing Service Rules/Recruitment Rules to bring them in conformity with the provisions of DoPT O.M. of even number dated 8th February, 2002 has not been received from most of the Ministries/Departments. Therefore, possibility of some of the Service Rules/Recruitment Rules not being reviewed as required persists.

2. Lok Sabha Sectt have separately informed DoPT that scrutiny of some of the Recruitment/Service Rules notified in 2003 and 2004, reveals that old entries viz. 'selection by merit' and 'selection-cum-seniority' have been used ignoring the provisions of DoPT O.M. dated 8th February, 2002. Lok Sabha Sectt have pointed out that non-observance of the guidelines of DoPT on the subject will lead to lack of uniformity in framing of Service Rules/Recruitment Rules and provide scope of different interpretations of the Rules. In this regard, some of the Recruitment Rules referred to by them are: -

- (1) The Ministry of Shipping, Road Transport and Highways, Department of Shipping, Accountant (Group 'B' Non-Gazetted posts) Recruitment Rules, 2004 (GSR 354 of 2004)
- (2) The Indian Air Force Group 'C' & 'D' Industrial Posts Recruitment (Amendment) Rules, 2003 (SRO 50 of 2003)
- (3) The National Cadet Corps Directorate Packers Recruitment Rules, 2003(SRO 64 of 2003)

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(Annexure – I)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Attendance Sheet

Date: 23/06/2014 at 1400 Hours

Sitting taken by Shri Ravi Thakur, Vice-Chairperson, NCST on 23/06/2014 in the matter of Shri R.P. Meena, Assistant Engineer regarding regular promotion with retrospective effect, to the grade of Assistant Engineer in Central Water Commission.

National Commission for Scheduled Tribes

1. Shri Ravi Thakur, Hon'ble Vice-Chairperson
2. Smt. K.D. Bhansor, Director
3. Smt. Bhooma, S.Kumar, Consultant

Ministry of Water Resources

1. Shri R.K. Jain, Chief Engineer
2. Shri Prabhat Tyagi, Director
3. Shri L.P. Sharma, US (A)
4. Shri K.K. Sapra, US
5. Shri Bhopal Singh

Petitioner

1. Shri R.P. Meena