

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**No. MD/1/2010/MTXT1/SEHRMT/RU-II**

**Proceedings of the Sitting held on 18.10.2010 of Shri Oris  
Syiem Myriaw, Hon'ble Member with Managing Director,  
CCIC, New Delhi**

A list of officers present in the sitting is at Annexure.

**ISSUE**

Representation of Smt. Malavika Dogra, Assistant Manager (Sales), Central Cottage Industries Corporation of India Limited regarding her harassment by her senior officers leading to adverse entry in the ACR of 2002-2003 and her non-promotion in 2007.

**BACKGROUND**

A representation dated 27/01/2010 was received from Smt Malavika Dogra, AM (Sales), CCIC regarding her harassment by her senior officers with specific incidence of 02/12/2002 leading to adverse entry in her ACR for the year 2002-2003 and resultantly her non-promotion in year 2007. The complaint was taken up with the Secretary, Ministry of Textile, New Delhi and the Managing Director, CCIC of India Ltd vide letter dated 22/02/2010.

The CCIC vide their letter dated 22.03.2010 replied that ample opportunities were given to Smt Malvika Dogra before entry of adverse remarks in her ACR. After entry also, she was extended opportunity to represent if she liked. Smt Dogra represented against the adverse remarks in her ACR of 2002-03 within the stipulated period. The reply of Smt Dogra was considered by the competent authority and adverse remarks in ACR were sustained. When Smt Malavika Dogra was not included in the promotion list of CCIC Office Order No. 132 dated 27/11/2007, she represented to the M.D. vide letter dated 20/02/2008. The CCIC vide letter dated 14.03.2008 informed Smt. Malavika Dogra that her representation dated 03/08/2004 was put up to the Competent Authority, but it was decided not to expunge the adverse remarks in her ACR for the year 2002-03. After that Smt. Dogra also represented to the Ministry of Textiles also in the matter.

Smt. Malavika Dogra was not satisfied with the reply from CCIC and submitted rejoinders to the Commission. Considering this position, Shri Oris Syiem Myriaw, Hon'ble Member, NCST decided to hold a Sitting with MD, CCIC, New Delhi on 18/10/2010 in the Commission to discuss the matter.

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श्रीस सीय्म मारीयाव / ORIS SYIEM MYRIAW  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi



## DISCUSSION

The Commission expressed that after consideration of the representation dated 03.08.2004 from Smt Malvika Dogra regarding adverse remarks in her ACR for the year 2002-03, the decision taken by the Competent Authority in CCIC should have been communicated to her, to enable her to appeal to the Appellate Authority.


It was explained by the CCIC that it was a practice in the CCIC that any adverse remarks in the ACR were communicated to the employee and representation thereafter from the employee was considered by the Competent Authority and final decision was not intimated to the employee. However, notwithstanding the practice, the final decision was intimated vide CCIC letter dated 14.03.2008 to Smt Malavika Dogra. The Commission observed that a transparent system requires that decision in such cases should be communicated, inter-alia, including the grounds on the basis of which decision is taken.

Smt Dogra pointed out that CCIC in their letter dated 14/03/2008 had not indicated any ground on the basis of which decision for not expunging adverse remarks was taken by them. The order dated 14/03/2008 was also not a self-speaking order. Further, her subsequent representations were also not replied. She was, therefore, not in a position to make an appeal in her case.

Hon'ble Member listened Smt. Malavika Dogra and desired that at least now she should appeal against the decision of CCIC to sustain the adverse remarks in her ACR for the Year 2002-03. M.D., CCIC agreed to consider the appeal at an appropriate level, on its receipt from Smt Dogra.

## RECOMMENDATION

In view of the discussion, the Commission recommended that an appeal from Smt. Malavika Dogra should be considered by the Appellate Authority in CCIC and their decision in the matter may be communicated to Smt Dogra through a reasoned/ self-speaking order.

  
वरीस सीयम मरीयाव / ORIS SYIEM MYRIAW  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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## **ANNEXURE**

The following were present in the sitting on 18.10.2010 :

### **NCST**

1. Shri Oris Syiem Myriaw, Hon'ble Member .....In Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director
4. Shri B. Ram, Research Officer

### **Central Cottage Industries Corporation of India Limited**

1. Dr. M. A. Ibrahim, IAS, Managing Director
2. Shri R. K. Singh, General Manager

### **Petitioner**

1. Smt. Malavika Dogra, Asstt. Manager, CCIC
2. Shri Lalit Dogra, Husband of Smt. Malavika Dogra