

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. D-2/Rly-25/Servive/2007/RU-I

Proceedings of the Sitting held on 20.10.2010 of Shri Oris Syiem Myriaw, Hon'ble Member with Addl. Member (Staff), Railway Board

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

ISSUE

Representation of Shri Dina Nath Prasad, Head Clerk, DLW, Varanasi regarding his promotion as Office Superintendent – I as per rules.

BACKGROUND

A representation dated 20/06/2007 was received from Shri Dina Nath Prasad, Head Clerk, DLW, Varanasi regarding his promotion as Office Superintendent – I as per rules. The representation was taken with up General Manager, DLW, Varanasi vide letter dated 21/08/2007. The representation was also taken up with Secretary, Ministry of Railways vide letter dated 05/09/2007.

Reply from DLW Varanasi vide their letter dated 03/10/2007 and from Railway Board vide their letter dated 05/11/2007 were communicated to Shri Dina Nath Prasad vide letter dated 28.12.2007. Shri Dina Nath Prasad was not satisfied with he replies of the Railway Board and submitted a number of rejoinders, which were examined in the Commission and replies received from the Railway Board.


In view of the fact that Shri Dina Nath Prasad was not satisfied, a Sitting was fixed for 07/01/2009 in the Commission with Advisor (Staff) Railway Board. DLW, Varanasi vide letter dated 23/12/2008 informed that Shri Dina Nath Prasad has been promoted as OS-II as ad-hoc basis against "best amongst failures" scheme w.e.f. 10/07/2008. In view of the promotion of Shri Dina Nath Prasad, the Sitting fixed on 07/01/2009 was cancelled.

Shri Dina Nath Prasad was still not satisfied submitted rejoinders requesting to effect his promotions retrospectively. His request is basically based on following two grounds:

- i) The promotion of Shri Ganesh Saha as OS-I in 1991 was on his own merit/seniority and ST reserved point should have been kept vacant. Resultantly, Shri Toppo should have been promoted

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I


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- against ST point of OS-I and ST point vacated by Shri Toppo could have been utilized for his promotion as OS-II.
- ii) He should have been promoted as Sr. Clerk and Head Clerk by relaxing the qualifying experience of 2 years to 1 year in the feeder cadre.

The Commission vide letter dated 11/09/2009 requested the Railway Board to consider the case of Shri Dina Nath Prasad sympathetically to the extent possible within the framework of RRs and in case, the request is not acceded to due to limitations imposed by RRs, the matter may be explained to him by issuing a self-speaking order. Subsequently, DLW, Varanasi explained the position in detail to Shri Dina Nath Prasad, vide letter dated 20/05/2010. Shri Prasad was still not satisfied.

Considering the above position, Shri Oris Syiem Myriaw, Hon'ble Member, NCST decided to hold a Sitting with Addl. Member (Staff), Railway Board on 20/10/2010 in the Commission to discuss the matter.


DISCUSSION

The Commission explained the background of the case in brief. Shri Dina Nath Prasad mentioned that his earlier promotions of Sr. Clerk and Head Clerk should also be reviewed with relaxed standard of 1 year experience in place of 2 years as per ^{the} RRs. Moreover, the promotion of Shri Ganesh Saha as OS-I in 1991 was on his own merit and should not be adjusted against a ST reserved point. The ST reserved point should be filled by Shri B.Toppo and subsequent resultant vacancy of OS-II arisen on vacation of Shri Toppo should be given to him. He also mentioned the rosters provided to him under RTI are wrong and fabricated.

The Railway Board explained that Shri Ganesh Saha was promoted as OS-I in 1991. The post of OS-I is a non-selection post and the concept of own merit in promotion was introduced from 07/08/2002 for selection posts with prospective effect only. Further, as per Railway Board order dated 11/11/1994, except in the case of running categories, the two years service condition may be relaxed by the railway with the personal approval of the General Manager. These guidelines are not an automatic process. In view of this, the claim of Shri Dina Nath Prasad was not feasible at this stage.

After considering the explanation by both the applicant and the Railway Board, the Commission did not find any discrimination meted out to Shri Dina Nath Prasad. However, the Commission suggested the Railway Board to consider the request of Shri Dina Nath Prasad afresh and directed Shri Dina Nath Prasad to submit a self-contained application to Addl. Member (Staff). Shri Dina Nath Prasad expressed his satisfaction and agreed to accept the outcome after consideration by Addl. Member (Staff).

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RECOMMENDATION

In view of the discussion, the Commission recommended that Shri Dina Nath Prasad should submit a fresh self-contained application containing all his grievances and justification to Addl. Member (Staff). The Commission further recommended that the Addl. Member (Staff) to examine the grievances of Shri Dina Nath Prasad afresh and all issues should be adequately addressed in a reply to him. The DoP&T may be consulted, if felt necessary by the Railway Board.



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ANNEXURE

The following were present in the sitting on 20.10.2010 :

NCST

1. Shri Oris Syiem Myriaw, Hon'ble MemberIn Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director

Railway Board, Ministry of Railways

1. Shri P. K. Sharma, Addl. Member (Staff)
2. Shri K. Biswal, EDE/Resn.
3. Shri Suothang, Dir Estt.(Res)
4. Shri M. K: Dixit, Dy CPO/DLW

Petitioner

1. Shri Dina Nath Prasad, OS-II, DLW, Varanasi