



GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES
(A Constitutional body set up under Article 338 of the Constitution of India)

File No. D-11/I&B-20/2019/SSW-I

National Commission for Scheduled Castes

Minutes of the hearing held before the National Commission for Scheduled Castes, New Delhi

The hearing of the case of Shri Devender Singh, Wireman, R/o- A-2/1, Radio Colony, Kingsway Camp, Delhi-110009 regarding promotion on the basis of seniority was held on 19.06.2024 before the National Commission for Scheduled Castes, New Delhi.

Shri Ashok Kumar, Chief Engineer, CCW Akashwani, Shri Sanjai Kumar Agarwal, Liaison Office, Akashwani, Shri M.P.S. Nanda, Executive Engineer (E), Akashwani were present for hearing. The petitioner was also present.

The case was discussed in details. The petitioner apprised that his promotion on the basis of seniority as per roster was not done by the Department. In the meanwhile, the Department promoted five employees without their eligibility and his juniors are drawing more salary than him. The petitioner has prayed before the Commission that to set aside/quash the impugned promotion order No. 7(1) (2)/SE(E)/GRVNC/WC/Vol.II/2019-20/140 dated 27.05.2019 and the earlier orders,

The Chief Engineer, CCW, Akashwani apprised the Commission that as per Recruitment Rules, there are two eligibility criteria for promotion from post of Khallasi to wiremen (1). Certificate of competency class II or any other equivalent certificate with 5 years experience in line. (2) Trade test. Petitioner acquired certificate of competency in June 2007 then he became eligible for promotion. The case of five said candidates has been examined by a Review DPC and as per recommendations of the Review DPC, the promotion date of five employees have been corrected after taking into account their date of acquiring of Certificate of competency. Their pay was fixed accordingly as per rules. Regarding the petitioner's allegation that the department promoted 8 General class employees without their eligibility, it is mentioned that the issue has been examined and it was found that 07 general candidate junior to petitioner acquired the eligibility for the promotion prior to him (who acquired Wireman license of Competency only on 15.06.2007). However, the 8th candidate Shri Girdari Lal did not possess the License at the time of promotion but he acquired it later. It was also stated that (i) Since Shri Devender Singh had acquired the requisite license on 13.06.2007, the promotion can be given subsequent DPC held after 13.06.2007. Hence the claim of Shri Devender Singh, Wireman is not tenable. (ii) The case of five said candidates had been examined by a Review

DPC and as per recommendations of Review DPC, the promotion dates have been corrected after taking into account their date of acquiring of Certificate of Competency. (iii) Out of 08 nos. of employees junior to Shri Devender Singh, 04 nos. Employees were SC candidate, hence the allegation of discrimination and partiality is baseless and far from the truth. (iv) Shri Devender Singh's Trade Test taken in 2007 at the time of conducting DPC is treated as cancelled since he had passed the Test at the time of grant of 1st ACP in the year 2004. no discrimination or any partiality held in promotion of Shri Devender Singh. It was also stated that a Committee has been constituted to examine whole issue again.

The hearing of this case was also held on 27.04.2022 before the then Hon'ble Vice-Chairman and the Commission recommended that the concerned authority may consider giving the promotion to the petitioner with all arrears from the date he became eligible for the promotion i.e. 2007 and submit detailed reports along with ATR on the same.

After hearing both the parties Commission observed that department has reconstituted a Committee to examine the whole issue of petitioner and matter is under consideration. The petitioner is also satisfied with the action taken for re-examining the issue by the Committee. Therefore, Commission recommends that the matter may be examined as per rules and report of the Committee alongwith action taken report be submitted to the Commission within two months.




(Kishor Makwana)
Chairman, NCSC