

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO. 2852
TO BE ANSWERED ON 13.03.2018**

RECOMMENDATION OF NCSC

2852. DR. UDIT RAJ:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether it is a fact that petitioners have complained to National Commission for Scheduled Castes (NCSC) regarding neglect of its recommendations issued to Department of Telecom (DoT) and Mahanagar Telephone Nigam Limited (MTNL) to implement the DoP&T guidelines issued pursuant to 85th Constitution Amendment Act, 2001;
- (b) if so, the reaction of the Government thereto;
- (c) the details of recommendations issued by NCSC to different Ministries/ Departments of Union and State Governments and complaints regarding defying/neglecting of the same received from petitioners during the last three years and the current year, year-wise;
- (d) whether the Government plans to empower the NCSC by amending Article 338 of Constitution to initiate action against the errant officials for defying Government orders issued in the interest of Scheduled Castes; and
- (e) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SHRI VIJAY SAMPLA)

- (a): Yes, Madam. The National Commission for Scheduled Castes (NCSC) had received representation from some Scheduled Caste officers working in the MTNL under the Department of Telecommunication (DoT) regarding wrong fixation of seniority and non implementation of 82th Amendment Act, 2001. The Commission heard both MTNL and the Department of Telecommunication in the matter. NCSC in its final hearing dated 12.10.2015 advised Department of Telecommunications to re-examine the matter in terms of DoPT guidelines and submit an Action Taken Report to it within a period of 30 days.
- (b): Department of Telecommunications has re-examined the matter and decided on the correct seniority to be assigned to the petitioners of MTNL as per their letter dated 16.2.2017(**Annexure-I**)
- (c): The recommendations made by the NCSC to different Ministries/Departments of the State and Central Governments are not binding in nature.
- (d): No Madam.
- (e): The Department of legal Affairs has opined that “ The Chairperson, Vice-Chairperson and other Members of the NCSC are not qualified members of judiciary, certainly they will be unable to apply the legal jurisprudence while performing the functions as judges, nor they are required to be eligible as a judge of High Court. Adequate safeguards for all the Scheduled Castes is available under the SC/ST (Prevention of Atrocities) Act, 1989, so there is no need of amending the present Constitution for the purpose of providing full power of High Court to the Commission.”

No. 14-2/2006-STG.II
Government of India
Ministry of Communications
Department of Telecom
(STG.II Section)

R.No. 419, Sanchar Bhavan, 20-Ashoka Road, New Delhi - 110 001.

Dated: 16.02.2017.

To,

The Chairman & Managing Director
MTNL, 5th Floor, Mahanagar Doorsanchar Sadan
CGO Complex, Lodhi Road
New Delhi-110003

Sub: Representation from Shri Achchhey Lal & Others Sr. SDE MTNL, New Delhi regarding fixation of seniority and denial of promotion in TES Group as per the 85th Amendment Act, of the Constitution.

Ref: MTNL's letter No.MTNL/CO/Pers II/Court Cases/2013/ 1548 dated 30.12.2016.

Sir,

I am directed to refer to letter under reference on the above mentioned subject and to state that Shri Achchhey Lal has already been absorbed in MTNL w.e.f. 01.10.2000 on permanent basis and he is no longer Govt. employee. The Personnel & Establishment matters such as promotion, seniority etc., of Shri Achchhey Lal are under the purview of MTNL only and DoT has no role to play in such matters.

2. The records, in original, relating to promotion, seniority, court cases, DPC etc., which were being dealt with by DoT prior to absorption of TES Group 'B' officers in MTNL/BSNL, have already been transferred to MTNL/BSNL for taking appropriate action at their end since there is no employee-employer relationship between the absorbed TES Group 'B' officers of MTNL/BSNL and DoT.

3. MTNL has also circulated the seniority list of their absorbed TES Group 'B' officers as intimated by MTNL by their letter dated 05.03.2009.

4. If, Shri Achchhey Lal is having any grievance regarding assignment of his seniority position, he should approach MTNL for re-dressal.

5. Shri Achchhey Lal has been knocking the doors of Commission at a regular intervals for such a relief which has already been granted to him by accelerating his seniority in the grade of TES Group 'B' Cadre from 17398 to 17198.056 as per Constitution (85th) Amendment Act-2001. However, the officer is claiming the seniority at 14146.070 which

was inadvertently assigned to him and later the same was withdrawn correctly, hence, the officer cannot claim for such seniority inadvertently granted and for which he is actually not entitled. The seniority claimed by Shri Achchhey Lal has not been accepted/considered by DoT.)

6. It is therefore, requested that the action may be taken by MTNL at their end and a reply may be given to Shri Achchhey Lal accordingly.

Yours Faithfully



[Ajay Kumar V R]

Under Secretary to the Govt. of India

Tele No. 23036282/Fax No.23716099



issued
17/2/17