



Government of India
National Commission for Scheduled Tribes

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

F. No. ADP/1/2015/STGDN/SEOTH/RU-I

Date: 02/05/2016

To

1. The Home Secretary,
Govt. of India,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi.
Fax: 011 23093003.
2. Shri Ashish Kundra,
Administrator,
U.T. of Dadra & Nagar Haveli,
Secretariat,
Silvassa – 396230.
Fax: 0260 2230775.
3. The Secretary (Transport),
Administration of Dadra & Nagar Haveli,
Transport Department,
Transport Bhawan,
Athal, Silvassa,
Dadra & Nagar Haveli.
4. The District Collector
& District Magistrate,
Collectorate,
Dholpur, Moti Daman,
Daman (U.T.) – 396220

Sub: Representation dated 21/09/2015 received from Shri Abhinav D. Patel, R/o D – 303, Pramukh Gardens, Opp. Yogi Hospital, beside Park City, Silvassa, Dadra & Nagar Haveli regarding non-declaration of ST category result in recruitment of Assistant Motor vehicle Inspector Group 'C' post.

Sir,

I am directed to enclose a copy of the minutes of the Proceedings of the Sitting held in the NCST on 22/04/2016 on the above mentioned subject for information and further necessary action.

This issue with the approval of the Competent Authority,

Encl: As above

Yours faithfully,

Rajesh Kumar
(Rajesh Kumar) 16

Under Secretary to the Govt. of India

Copy to:

Shri Abhinav D. Patel,
R/o D – 303, Pramukh Gardens,
Opp. Yogi Hospital,
beside Park City, Silvassa,
Dadra & Nagar Haveli – 396230.

Copy for information to:

1. PS to Hon'ble Chairperson/ Vice Chairperson, NCST.
2. Senior PPS to Secretary, NCST.
3. Director (RU-III & RU-IV), NCST.
4. Deputy Secretary (RU-I & RU-II), NCST.
5. SSA NIC (for hosting on Commission's website).

**PROCEEDINGS OF THE HEARING HELD IN THE NATIONAL COMMISSION FOR
SCHEDULED TRIBES, GOVERNMENT OF INDIA, NEW DELHI ON 22-04-2016
UNDER THE CHAIRMANSHIP OF SHRI RAVI THAKUR, HON'BLE VICE
CHAIRPERSON IN THE PETITION FILED BY SHRI ABHINAV PATEL FOR HIS
APPOINTMENT AS MOTOR VEHICLE INSPECTOR DESPITE BEING THE
NUMBER ONE IN THE MERIT LIST PREPARED BY THE DADAR & NAGAR
HAVELI ADMINISTRATION BASED ON A COMPETITIVE EXAMINATION**

THE LIST OF PARTICIPANTS ARE AT ANNEXURE-I

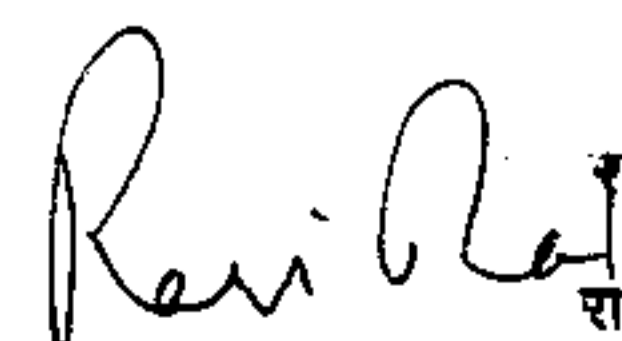
The Union Territory Administration of the Dadar & Nagar Haveli, Transport Department, Silvassa vide their advertisement dated 25-10-2014, had invited applications from any Indian citizen for filling up of the post of Assistant Motor Vehicle Inspector (Group Ç', Non-Ministerial, Non-Gazetted) in the PB-I scale of pay of Rs. 5200 – 20,200 plus Grade Pay of Rs. 2800/- in the Administration of Dadra and Nagar Haveli. Shri Abhinav Patel, who is a ST candidate has applied for the post and he has been found eligible for appearing for the test meant for the examination. He has been given age relaxation, being a ST candidate and he has been allowed to appear the examination.

2. When the merit list prepared for appointment to the post of Assistant Motor Vehicle Inspector was published for appointment by the UT Administration, Shri Abhinav Patel stood first in the list since he scored the highest marks. The second candidate got appointment during 2015 itself. The appointment of Shri Abhinav Patel has been held up for want of certain clarification from the Ministry of Home Affairs as stated by the Dadra and Nagar Haveli Administration. Hence he approached the National Commission for Scheduled Tribes.

3. The Commission held a meeting on 14-10-2015 and was conveyed to all concerned that Shri Abhinav Patel is a regular resident of Dadra and Nagar Haveli and is a ST category candidate. Since the Dadra and Nagar Haveli is a Union Territory Administration, Central Government rules are applicable. He is eligible to be appointed for the reserved seat meant for ST. Since the officer who attended the hearing held in the Commission has shown some reluctance to appoint him on provisional basis, the Commission has opined that the UT administration should get a clear cut direction sought by them from the Ministry of Home Affairs within 15 days and appoint Shri Abhinav Patel against the reserved post of ST as he is the bonafide candidate as per the information provided to this Commission.

4. Since UT Administration of Dadra & Nagar Haveli has not given the appointment to Shri Abhinav Patel, it was decided to hold another meeting in this regard and convened accordingly. There is no Court / tribunal ruling against this case.

5. The matter has been discussed in the Commission again today. The Joint Secretary, Ministry of Home Affairs has categorically stated that they have already given the clear cut directions to the UT Administration of Dadar & Nagar Haveli regarding this case and hence there should not be any delay in the appointment of Shri Abhinav Patel against the post of Assistant Motor Vehicle Inspector in the UT


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

Administration as the Scheduled Tribes of other States are considered eligible for ST benefits in all other Union Territories. The rule position in this case is very clear and the UT Administration of Dadra and Nagar Haveli should have given the appointment letter to the applicant long back, which has been viewed very seriously by the Ministry of Home Affairs also. The candidature of Shri Abhinav Patel is all the more relevant since he is the topper in the merit list and is the only ST candidate and hence he should be appointed forthwith.

6. Shri Gaurav Singh Rajawat, Collector & Director (Transport), who attended the meeting / hearing on behalf of himself and on behalf of the Administrator of Dadar and Nagar Haveli UT Administration has submitted that they have received the clarification from Ministry of Home Affairs recently and they will be giving the appointment letter within 7 days. The Commission expects that necessary action may be taken in this regard and an action taken report submitted to this Commission.



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उपाध्यक्ष/Vice Chairperson
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LIST OF PARTICIPANTS

1. Shri Ravi Thakur, Hon'ble Vice Chairperson, NCST : In the Chair.
2. Shri Hitesh Kumar Makwana, Joint Secretary (UT), Ministry of Home Affairs, Government of India, New Delhi.
3. Shri Gaurav Singh Rajawat, Collector / Director Transport, Union Territory Administration of Dadar & Nagar Haveli, Silvassa.
4. Shri Shivam Teotia, RDC, Union Territory Administration of Dadar & Nagar Haveli, Silvassa.
5. Smt. K. D. Bhansor, Director, NCST; and
6. Shri Abhinav Patel, Applicant.