



S. Balasubramanian

Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A of the Constitution of India)

5th floor, 'B' Wing,
Loknaya Bhawan
Khan market,
New Delhi-110 003
Date: 02/05/2016

No: HSM/25/2014/MFIN9/SEHRMT/RU-IV

To

The Chairman,
Central Board of Excise & Customs
Deptt. of Revenue,
Ministry of Finance,
North Block,
New Delhi.

Sub: Representation of Shri Hari Shankar Meena, Karauli, Karauli, Rajasthan regarding seeking extension of joining time.

Sir,

I am directed to refer to this Commission notice number dated 23.03.2016 on the above subject and to enclose herewith a copy of the proceedings of the Sitting held in this Commission on 18.04.2016 for necessary action and to send the action taken report to the Commission at an early

date,

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ISSUED

Yours faithfully,

N. Balasubramanian
Research Officer

Copy for information and necessary action to:-

1. The Chairman, Staff Selection Commission, Block No. 12, CGO Complex, Lodhi Road, New Delhi.
2. The Secretary DoPT, North Block, New Delhi.
3. The Chief Commissioner O/o the principal Chief Commissioner of Central Excise, New Central Excise Building 115, Maharshi Karve Road, Opp Churchgate Station, Mumbai-400020.
4. The Chief Commissioner Central Excise, Chennai Zone, 26/1, Mahatma Gandhi Road, Chennai-600034.
5. Commissioner Central Board of Excise & Customs, 6/7, A. T. D street Race course road Coimbatore-641048 (Tamil Nadu).

Copy to:

Shri Hari Shankar Meena, S/o Shri Murari Lal, Village Dedarauli-Vajheda, Tehsil-Hindon, District-Karauli, Rajasthan-322234.

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PROCEEDINGS OF THE HEARING CHAIRED BY
SHRI RAVI THAKUR, HON'BLE VICE CHAIRPERSON,
NATIONAL COMMISSION FOR SCHEDULED TRIBES,
GOVERNMENT OF INDIA IN THE APPLICATION FILED BY
SHRI HARI SHANKAR MEENA, KARAULI, RAJASTHAN
FOR EXTENSION OF JOINING TIME TO
ASSUME THE POST OF INSPECTOR
IN CENTRAL EXCISE, COIMBATORE.

The list of participants are at Annexure-I.

The case in brief in respect of the application filed by Shri Hari Shankar Meena, resident of Karauli, Rajasthan was briefly explained to the Hon'ble Vice Chairperson. The case in brief is that Shri Hari Shankar Meena - Roll No. 240503546 - and Rank No. SLD/3957 was nominated for appointment to the post of Inspector in the Central Excise in Central Excise Zone, Chennai in the PB-2 scale of Rs. 9300 – 34800 plus Grade Pay of Rs. 4600/- through the Combined Graduate Level Examination for 2012 conducted by Staff Selection Commission vide Board's letter dated 16-9-2013. He was issued offer of appointment vide letter dated 4-12-2013 of Chief Commissioner of Central Excise, Chennai. He was supposed to join by 31-12-2013 in the normal joining time.

2. Shri Hari Shankar Meena requested for extension of joining time on the grounds of family exigencies in two separate spells of 3 months each. He was given an extension to join duty till 3-6-2014 from the date of issue of offer of appointment and not from the date of initial expiry of joining time which was 31-12-2013, citing his mother's illness vide letter dated 21-3-2014, in accordance with O.M. dated 6-6-78 and 9-8-95 of Department of Personnel & Training. He has made all out efforts to join within this time and has booked air tickets twice. But he could not proceed to Coimbatore as his mother fell seriously ill and he had to cancel the tickets. Hence he has again requested for extension of another 12 days time till 15-6-2014 to join the post by a fax sent on 1-6-2014 citing his mother's illness. This date is before expiry of the extended date of joining which was 3-6-2014.

3. Since the period of extension requested by Shri Hari Shankar Meena was beyond six months of extended period (which includes the normal one month joining time), the office of Chief Commissioner of Central Excise, Chennai Zone, Chennai forwarded the request to Staff Selection Commission, Chennai Regional Office, Chennai and they have in turn recommended the same for approval to HQ office of Staff Selection Commission, New Delhi. Staff Selection Commission, New Delhi has admitted that the delay by SSC, Chennai Office has delayed the proposal to HQ of SSC in New Delhi is highly regrettable vide their letter dated 17-4-2015. Delay occurred in every stage of this case which has put a Scheduled Tribe candidate in a terrible position. Chief Commissioner in his letter dated 3-6-2014 addressed to the Staff Selection Commission has recommended that since the individual seems very keen to join duty and has requested for extension of time to join on the grounds beyond his control it is felt that he should be given the extension of time requested



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भारत सरकार/Govt. of India

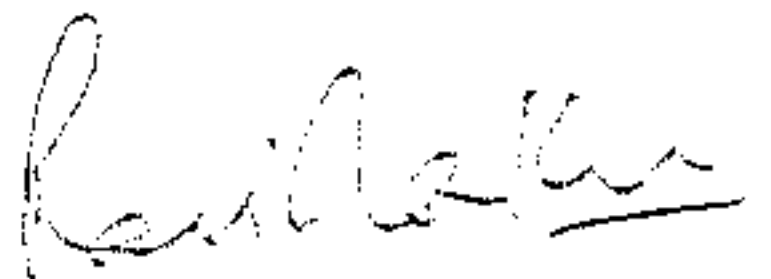
for. Staff Selection Commission, Chennai recommended the request and forwarded the case to SSC, New Delhi only on 21-11-2014 for grant of time beyond six months.

4. In the meantime, Shri Hari Shankar Meena requested this Commission to intervene in the matter and has submitted a representation dated 3-11-2014 and has stated that he has not been granted another 12 days extra time to join the post when other candidates were given time beyond the prescribed time limit of 6 months. The matter was examined in this Commission and accordingly a hearing in this case was fixed on 20-2-2015 in which the officers of Staff Selection Commission attended along with the applicant. On hearing the case it was advised to the Staff Selection Commission to take action for revival of candidature of Shri Hari Shankar Meena sympathetically since the ST post is not filled up and the CBEC is awaiting the candidature / approval of SSC and proceedings of the sitting held on 20-2-2015 was forwarded to all concerned vide letter dated 19-3-2015.

5. Since the matter didn't get resolved, another hearing in this case was held on 25-5-2015 in the Commission which was attended by the Chairman, Member and Under Secretary of Staff Selection Commission, New Delhi. Proceedings of the case were forwarded to all concerned on 7-7-2015 and it was advised that the Staff Selection Commission may promptly take up the matter with Department of Personnel & Training and obtain approval of joining time as a special case and forward the approval to the Commissioner, Central Excise & Customs Chennai for further necessary action in ensuring early joining by the selected ST candidate. The Chairman, SSC agreed to the recommendations and assured that the matter will promptly be recommended to the Department of Personnel & Training. The action taken report was to be submitted to this Commission within 30 days.

6. Since the matter was getting further delayed for an indefinite period another hearing in this case was held on 2-9-2015 in which Chairman and Member of Staff Selection Commission and Joint Secretary of Department of Personnel & Training attended the Commission to find a solution in this case. The Commission advised the petitioner to give representation with supportive documents obtained by him under Right to Information Act - 2005 where other people were given extension beyond 6 months. Department of Personnel & Training was advised to examine the cases of such extension beyond six months in consultation with Central Board of Excise and Customs and report by 15-10-2015 to the Commission for further action. Proceedings of the sitting held on 2-9-2015 were forwarded by the Commission vide letter dated 22-9-2015.

7. Ministry of Finance, Department of Revenue, Central Board of Excise & Customs vide their Office memorandum dated 7-1-2016 addressed to the Department of Personnel & Training has conveyed that the extension of time beyond 6 months were granted to some of the candidates in respect of Central Excise, Mumbai Zone as quoted by Shri Hari Shankar Meena with the approval of Commissioner of Central Excise, Mumbai. There were 5 instances in which extensions beyond 6 months were granted. Hence they have intimated that the Central Excise Chennai Zone has no objection in reviving the offer of appointment to Shri Hari Shankar Meena. They have requested Department of Personnel & Training and Staff Selection Commission to take a view in the matter.


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उप-निर्देशक/वि. उप-निर्देशक
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National Commission for Scheduled Tribes
भा. उ. अ. वि. वि. वि. Govt. of India
नई दिल्ली, New Delhi

8. Even after getting a clear cut direction from the Ministry of Finance as in the para above, the appointment of Shri Hari Shankar Meena, a Scheduled Tribe candidate has not been materialized. Hence another hearing in this case was convened on 18-4-2016 at 3.00PM in which officers as at Annexure-I attended the hearing. Secretary, Department of Personnel & Training has requested for his exemption from personal hearing vide his D.O. letter dated 13-4-2016 which has been allowed by the Chair. Secretary, DoP&T deputed Joint Secretary (S&V-1) to attend the hearing. Chief Commissioner of Central Excise, Chennai Zone vide her letter dated 12-4-2016 nominated Shri V. Rajendran, Commissioner of Central Excise, Coimbatore to attend the hearing which has been allowed by the Chair.

9. The petitioner, who attended the hearing has narrated his case and has submitted that the matter has been unduly delayed in the process. 12 days extension asked for on 1-6-2014 has not been decided till this time and has requested that his request may be considered on humanitarian grounds, as he has ran out of age and there is no scope for further employment, other than this offer.

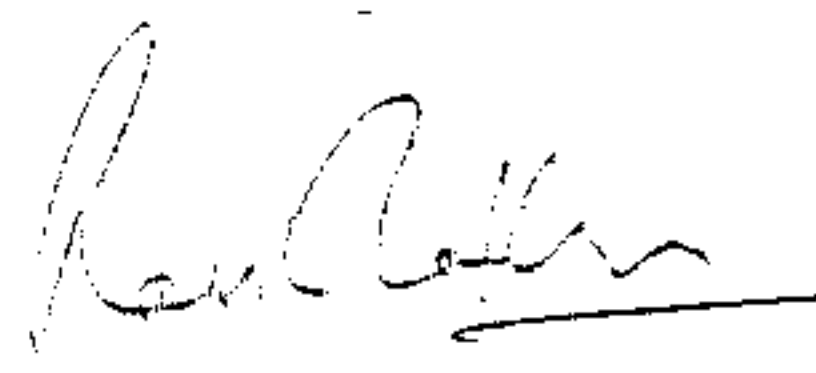
10. Joint Secretary, Department of Personnel & Training who attended the hearing on behalf of the Secretary, Department of Personnel & Training has submitted that they do not have any objection, if the cadre controlling authority, in this case, Chief Commissioner of Central Excise, allows the petitioner to join by extending joining time as has been given in other cases. Member, Staff Selection Commission, New Delhi also of the same view that Shri Hari Shankar Meena may be allowed to join as SSC has already nominated the candidature to CBEC and it is upto them to allow him to join as has been done in other cases.

11. Joint Secretary (Admn), Central Board of Excise & Customs, who attended the hearing on behalf of Chairman, CBEC has submitted that the extension can be considered as a special case, since he has submitted the request for extension of time within the stipulated time and on humanitarian grounds. Since the applicant belongs to ST category and posts meant for Scheduled Tribes are lying vacant, the request will be considered and necessary action will be taken to appoint him. He lost his father during the course of the case while in pendency and the request for extension was on account of the ill health of his mother. However this case will not be quoted as precedent for any other case.

12. Chief Commissioner of Excise & Customs, Mumbai and Commissioner, CBEC, Coimbatore have also said they have no objection, to the appointment of Shri Hari Shankar Meena, which has already been certified by them vide letter dated 6-6-2014.

13. National Commission for Scheduled Tribes, New Delhi accordingly advises the Central Board of Excise and Customs to have a positive and humanitarian view in this case and allow joining of Shri Hari Shankar Meena, a Scheduled Tribe candidate so that one post of ST post is filled up which is lying vacant for long and the candidate has been running pillar to post for this long for a 12 days extension beyond 6 months as narrated above. This exercise may be completed by 15-5-2016 and reported to the Commission.

14. The hearing ended with vote of thanks to the Chair.


श्री अणुकराय थकुर
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जातजति आयोग
National Commission for Scheduled Tribes
भारत, नई दिल्ली
New Delhi

List of Participants:

1. Shri Ravi Thakur, Hon'ble Vice Chairperson,
National Commission for Scheduled Tribes,
Government of India, New Delhi : In the Chair
2. Shri Sanjiv Kumar, Joint Secretary (Admn) Central Board of Excise &
Customs, Department of Revenue, Ministry of Finance, Government of India,
New Delhi.
3. Shri Devesh Chaturvedi, Joint Secretary (S&V-1), Department of Personnel &
Training, Government of India, New Delhi.
4. Shri S. V. Singh, Member, Staff Selection Commission (HQ), Department of
Personnel & Training, Government of India, New Delhi.
5. Ms. G. Jayanthi, Director(E-1), Department of Personnel & Training,
Government of India, New Delhi
6. Shri K. G. Mohanta, Deputy Secretary, Central Board of Excise & Customs,
Department of Revenue, Ministry of Finance, Government of India, New Delhi.
7. Shri Subhash C. Varshney, Chief Commissioner, CBEC, Mumbai.
8. Shri V. Rajendran, Commissioner, Central Board of Excise & Customs,
Department of Revenue, Government of India, Coimbatore.
9. Shri A. V. T. Bharathi Dhasan, Deputy commissioner, CEC, Chennai.
10. Shri Rajpal Singh, Under Secretary, Central Board of Excise & Customs,
Department of Revenue, Ministry of Finance, New Delhi.
11. Shri Hari Shankar Meena, Karauli, Rajasthan - Petitioner.

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