

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Subject: Minutes of the meeting held in the chamber of Chairperson, NCST with Shri Ashok Chawla, Secretary, Ministry of Civil Aviation and Shri Kanu Gohain, Director General of Civil Aviation on 22.1.2008 at 12.00 noon to discuss the Petition of Shri K.L. Meena, Assistant Director of Air Safety, Directorate of Civil Aviation, New Delhi regarding cancellation of his transfer from New Delhi to Hyderabad.**

The meeting was held as per schedule. Shri Ashok Chawla, Secretary, Ministry of Civil Aviation and Shri Kanu Gohain, Director General of Civil Aviation attended the meeting. Secretary, NCST and Shri K.N. Singh, Consultant in the Commission assisted the Hon'ble Chairperson during the discussions.

2, At the outset of the meeting, it was recalled that this Commission in the past had held two hearings on 16.10, 2007 and 21.11.2007 with DGCA to find a solution to the problems of Shri K.L. Meena, Assistant Director of Air Safety, Directorate of Civil Aviation, New Delhi resulting from his transfer to Hyderabad. DGCA stated that the recommendation made by the Commission in the meeting held on 21.11.2007 to transfer Shri Moitra, who had acquired 7-8 years field experience in Delhi region, from Delhi Region to Hyderabad and to transfer Shri K.L. Meena in his vacancy to enable him to acquire field experience had been considered by him in all seriousness, but it had not been possible to accede to the same due to certain administrative reasons. It was stated that Shri Moitra had put in only 7-8 years of service in DGCA and was junior to Shri Meena and therefore, it was not found possible to transfer him to give independent charge of the Hyderabad office.

3. The Commission further recalled that Shri Manish Kumar Chopra has been promoted as Deputy Director and retained at the same place, although the post of Regional Controller of Air Safety/Deputy Director of Air Safety is still vacant since August 2003 and January 2007 at Kolkata and Hyderabad respectively. The Commission was informed by DGCA that the promotion of Shri Chopra was made on ad-hoc basis and therefore, the question of posting him at Kolkata and Hyderabad was not considered and that he had since been reverted to the post of Assistant Director of Air Safety.

4. It was pointed out by the Commission that DGCA had not been following a consistent policy in the matter of transfer of its officers. The Commission observed that in the last meeting it was informed that the station seniority of the officers was being taken into consideration for the purposes of making transfers and that as Shri K.L. Meena was the senior most among the Assistant Directors at the Headquarters, he was transferred to Hyderabad. However, as against these guidelines, Shri K.L. Meena was transferred to Kolkata in 2004 (which order was cancelled by DGCA on intervention of the Commission) in spite of the fact that there were two officers who were senior to him. These facts, the Commission observed, read with other decisions of DGCA relating, inter alia, to (i) the retention of Shri A.X. Joseph at Mumbai (instead of transferring him to Hyderabad) by transferring one post of Assistant Director of Air Safety from Headquarters to Mumbai (as there was only one sanctioned post of Assistant Directors of Air Safety at Mumbai) consequent upon the transfer of Shri Sanjay Branhane from Hyderabad to Mumbai on health grounds and (ii) retaining officers at the Headquarters

even on their promotion as Deputy Director and keeping the vacant posts in that category vacant in the offices outside the Headquarters (e.g. Kolkata and Hyderabad) vacant clearly indicated that there had been bias and discrimination in the case of Shri K.L. Meena in as much others could have been transferred to Hyderabad as part of the circuit or on promotion.

5. The Commission further stated that Shri Meena had represented to the Commission for cancellation of his transfer from New Delhi to Hyderabad in view of his present domestic circumstances arising mainly from the study of his son in XII Class. The Commission observed that the important consideration that the sudden transfer of Shri Meena during the middle of the academic session could affect disastrously for the education of his son adversely was not taken into account, as is done in such cases by the cadre controlling authorities before issuing the transfer orders. It was also observed that all appeals made by him, either directly or through the Commission, went unheard and unheeded. This also lent ample support to the general grievance of Shri Meena that DGCA had been unjust and unfair in transferring him to Hyderabad office.

6. On the Commission pointing out that it had brought to its notice that an Air Safety Officer (namely Shri Gupta) had expressed his willingness to be transferred to Hyderabad and that he could be posted to Hyderabad office by cancelling the transfer order of Shri Meena, DGCA stated that Shri Gupta was a very junior officer and he had joined the Directorate only two and a half years ago and therefore, it would not be desirable to consider posting him to Hyderabad office.

7. In view of the position explained in para 5, DGCA and Secretary, Civil Aviation agreed to take the following action:

- (i) To issue immediate orders for keeping the order issued by DGCA transferring Shri K.L. Meena to Hyderabad in abeyance till 30 June, 2008 to enable him to have the education of his son completed without any interruption; and
- (ii) To release immediately his salary and allowances from September 2007 onwards.

8. The Commission will be informed of the action taken position of the above decisions within a week of the receipt of these minutes.