

Proceedings of the hearing held in the NCST on 18.05.2009 at 11.00 AM to discuss the case of Shri Sylvester Baa regarding alleged atrocities on him, a Scheduled Tribe Employee by Director General, CCRT

The following were present:

NCST

1. Shri Tsering Samphel, Hon'ble Member (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Shri R.P. Vasishtha, Deputy Secretary
4. Smt. K.D. Bhansor, Deputy Director
5. Shri H.R. Meena, Sr. Investigator

CCRT

1. Shri Surendra Kaul, Director General
2. Shri Anil Kohli, Dy. Director.

Petitioner:

1. Shri Baa, Dy. Director (Admn).

Issue: Alleged atrocities on him, a Scheduled Tribe Employee by Director General, CCRT

Background

Shri Sylvester Baa, Deputy Director(Admn), Centre for Cultural Resources & Training (CCRT), New Delhi represented to the Chairman on 12.11.2008 that he is working in CCRT, an autonomous organization under the administrative control of Ministry of Culture. He stated that he is working in the organization for the last 10 years w.e.f. Jan 1998 and looking after administration and services matters and that he has been also discharging duties of Public Information Officer and Liaison Officer for SC/ST. He also reported that for the last 4 years he has been harassed by Shri Surender Kaul, DG directly or through Director, Sh. S. Banerjee for minor administrative lapses and in routine matters. He also alleged that he has been threatened of initiating disciplinary action and that DG maintains double standard of favourable approach towards higher caste officers and discrimination against SC/ST officers. An incident has been reported by Shri Baa on 06.02.2006 in an open

discussion meeting where he was mentally tortured in front of all staff members. He has been working as Deputy Director(Admn) which is the only sanctioned post for Admn., work in CCRT and this post was reserved for ST.

Shri Baa has further said that on 13/16.10.2008 when he was on leave he was transferred to the Regional Centre at Guwahati. The Centre at Guwahati is a training Centre and officers of academic line are required to be posted there. He has no experience of imparting training. There is no Transfer Policy and the persons senior to him have not been transferred but he has been picked up for transfer.

The CCRT in their reply said that Shri Baa has been **temporarily** transferred to establish Regional Centre at Guwahati and that he has defied the transfer orders and had been absenting himself. CCRT has also stated that the decision of establishing Regional Centre at Guwahati was taken in the meeting of CCRT and that Shri Baa was not required to perform any work relating to training programmes of CCRT at Guwahati.

Discussion

The petitioner Shri S. Baa was given an opportunity to explain his case. He explained that in his representation dated 12.11.2008, addressed to the Chairman, NCST, he had furnished details about his harassment and discrimination against him. The petitioner re-iterated what he has explained in his petition.

On hearing the petitioner, it was noted that Shri Baa's main grievance is of transfer to Regional Centre, CCRT at Guwahati. The Commission desired to know from the Director General, CCRT as to what is the seniority position of Shri Baa in the seniority list of Deputy Directors. It was informed that the petitioner is at 6th place in the seniority list. It was further enquired from the Director General as to whether there is a Transfer Policy, Rotation Policy or any other rules relating to transfer/posting and whether the seniority of Deputy Directors was considered while transferring Shri Baa. Director General informed that so far there was no formal transfer policy and that the transfer/posting of Deputy Directors were being effected taking into the functional requirements and the strength of the cadre. He further informed that a transfer policy for CCRT officers was being prepared and will be made applicable after the approval of the administrative Ministry. It was also stated by the Director General that the posting of Shri Baa at Guwahati was temporary for a period of six months only. It was also brought to the notice of the Commission that

Shri Baa had approached the High Court also for cancellation of his transfer but his petition was rejected. The Commission noted that

(1) Shri Baa has been posted at Regional Centre, CCRT at Guwahati only for 6 months for making that office fully functional (2) No transfer policy has been framed by CCRT. (3) Shri Baa is presently under suspension and a disciplinary proceeding is contemplated against him. (4) His suspension could be revoked only on the recommendation of the Executive Committee.

During the discussions, the Director General agreed to place the matter for revocation of suspension of Shri Baa before the Executive Committee if Shri Baa gives in writing that he was willing to join duty at Guwahati.

Conclusion and Recommendations

Taking into account the assurance of Director General, CCRT that the posting of Shri Baa at Guwahati was temporary for a period of only six months, the Commission advised Shri Baa to inform CCRT that he was willing to join duty at Guwahati so that Director General, CCRT could place the matter of revocation of suspension of Shri Baa before the Executive Committee for approval. The Commission also expressed the view that the proposal of disciplinary proceedings against Shri Baa should be withdrawn after he complies with the transfer order and joins duty at Guwahati. The Commission further recommended that the transfer policy should be finalized by CCRT without further delay.