

National Commission for Scheduled Castes, New Delhi
File No.J-3/UP-17/2018-SSW.II
Minutes of Hearing dated 07.09.2018

1. During the hearing the following were present:

- (i) Shri Alok Tandon, CEO, Noida
- (ii) Shri Rajesh Kr. Singh, OSD
- (iii) Shri Vinaya Pandey, Tehsildar, Noida
- (iv) Shri Jasvir Singh, Petitioner

2. The petitioner informed that he was working in Noida Authority and was terminated on 10th May, 2007 on the orders of CEO, Noida, without any inquiry or notice. The basis of his termination was that he had submitted a valid SC Certificate from Punjab. The petitioner, however, stated that the advertisement under which he was selected did not specify that only holders of SC Certificates from Uttar Pradesh could apply. Hence his termination was a discrimination. He further added that he filed a case in the Hon'ble High Court, Allahabad, and the judgement dated 6th June, 2007 was in his favour. The Allahabad High Court double bench in 2014, however, overturned the earlier order. The petitioner informed that he had approached the Hon'ble Supreme Court in a Writ Petition No.16741/2018 and the Hon'ble Supreme Court has given an order dated 25.07.2018 that *"similarly situated persons have been retained by the authority and that there are vacancies available. If that be so, it is open to the petitioner to make an appropriate representation before the competent authority"*.

3. The petitioner further stated that there are many other people who are in the same status as him, i.e., they have given valid SC Certificates of other States but continued to work in Noida / Greater Noida authorities and only he and few other people have been terminated.

4. The CEO, Noida, stated that in 2002 due to complaints 24 persons were investigated and found that they have presented valid SC Certificates of other States and not of Uttar Pradesh. 11 of them including the petitioner were terminated in May, 2007 and a further 21 people have been terminated after the Hon'ble Supreme Court order in 2018. The remaining persons who have not been terminated are have a stay of the Hon'ble Courts.

5. It was decided in the hearing that on the basis of Hon'ble Supreme Court order dated 25.07.2018 the petitioner will represent to the CEO, Noida, for reinstatement since the posts are still vacant. The petitioner had clearly indicated that he has a valid SC Certificate of Punjab at the time of appointment, hence as there was no mis-representation from the petitioner's side, the CEO, Noida, will sympathetically consider the representation and decide on the same.

List again for hearing on 10-12-18.

(Prof. (Dr.) Ram Shankar Katheria)
Chairman, NCSC

