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भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. TM/18/2016/MFIN9/SEHRMT/RU-IV Dated: 25.10.2018

To,

1. The Chairman,
State Bank of India,
State Bank Bhawan,
Madame Cama Road,
Mumbai – 400 021

2. The Deputy Managing Director,
State Bank of India,
State Bank Bhawan,
Madame Cama Road,
Mumbai – 400 021

Sub: Proceedings of the sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 04.10.2018 at 04.00 P.M. in the matter of Shri Tivesh Meena, State Bank of India, Nadbai, Bharatpur, Rajasthan regarding harassment.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 04.10.2018 on the above mentioned subject for necessary action at your end.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Copy to:-

Shri Tivesh Meena,
S/o Shri Rameshwar Lal Meena,
Near Railway Station Meena Colony,
Nadbai Bharatpur,
Rajasthan – 321602
(Jaipur).

Copy to:- SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

TM/18/2016/MFIN9/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 04.10.2018 AT 04.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI TIVESH MEENA, SBI, NADBAI BRANCH, DISTRICT- BHARATPUR, RAJASTHAN REGARDING HARASSMENT.

Date of Sitting: 04.10.2018

List of officers present in sitting is Annexed.

The petitioner Shri Tivesh Meena, State Bank of India, Nadbai, Bharatpur, Rajasthan vide his representation dated 08.06.2016 has submitted grievances before the Commission regarding non implementation of the Commission's recommendations dated 17.07.2018 and further harassing to him by way of issuing Bank's letter dated 27.08.2018 for disagreement of disciplinary authority on the previous findings of the Inquiry Officer for exoneration of charges levelled against him and seeking explanation.

2. He was stated that earlier he had submitted a representation about his harassment by the Bank Management and the Commission had conducted a Sitting on 17.07.2018. The Commission had recommended that the SBI Management should expedite the inquiry and decide the case based on the findings of the previous three Inquiry Officers and the orders of the Hon'ble High Court of Rajasthan. It may also be ensured that no further harassment may be meted out against the petitioner on caste ground so that he could discharge his duties in peaceful manner. However, the SBI Management did not implement the Commission's recommendations and in turn sought his explanation. He has requested the Commission to resolve his grievances.

3. The Commission observed in this case that on the Commission's recommendations dated 17.07.2018 no action taken report was received in the stipulated period. The petitioner's harassment was also going on. Therefore, the Hon'ble Chairperson, NCST fixed a Sitting to discuss the case with the Bank Management.

4. The Deputy Managing Director and CDO, SBI along with Senior Officers of State Bank of India appeared before the Commission. The petitioner was also present.

6. During the Sitting the petitioner submitted to the Commission that he was appointed as clerk in the erstwhile State Bank of Bikaner and Jaipur (merged into SBI) on 21.11.2011. He was posted at Bank's Branch, Nadbai and he got appreciation letters for discharging his duty. Suddenly in the year 2013 he was issued a charge sheet for getting employment on the basis of the wrong doing and non matching signature in examination seat. The Bank Administration conducted two inquiry into the case and Inquiry Officer had concluded that the allegation is not proved. The Hon'ble High Court of Rajasthan has also given judgment in his favour to not conduct any inquiry into the case. However, the Bank Management did not take into consideration of previous two Inquiry Officers findings and ordered 3rd inquiry in the year 2018. The Commission also heard the case and issued recommendation to the Bank Management to decide the case on the basis of findings of the previous inquiry reports. But the Bank Management did not implement the

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Commission's recommendation and recently, the Bank vide its letter dated 27.08.2018 has intimated that the Disciplinary Authority's disagreement with previous inquiry report and sought explanation in the case. This is an arbitrary attitude from the Bank's side.

7. The petitioner further informed that he had telephonic conversation with the Disciplinary Authority about status of his case in which the Disciplinary Authority had told him that the Bank Management had pressured him to decide the case against the petitioner. He should immediately approach to Hon'ble Court to get a stay order against the Bank's disciplinary action. Moreover, as he belongs to Scheduled Tribe community and therefore the Bank Management has appointed him as Disciplinary Authority to save the allegations of discrimination against the member of Scheduled Tribes, thus he (petitioner) feared dismissal from services.

8. The Deputy Managing Director, SBI informed that Commission that the petitioner's case was earlier enquired by the erstwhile the State Bank of Bikaner and Jaipur. Hence, after merger of the said Bank into State Bank of India in the year 2017, the State Bank of India Management has decided to conduct fresh enquiry into the case. Since the Departmental enquiry against the petitioner is under process, hence, first it let be completed. In addition, if the petitioner will provide the transcript of telephonic conversation to the Bank Management, then the matter will be inquired and necessary action will be taken against the guilty officers.

9. The case discussed in detail. The Commission observed that during the two departmental inquiry, the Inquiry Officer concluded the case with the findings of charges as not proved. Moreover, the case was also investigated by the Commission which issued its recommendation on 17.07.2018. However, the Bank has failed to take corrective action to redress the petitioner's grievances. Thus, it is clear cut discrimination and harassment with a member of Scheduled Tribe. The Commission has also felt that on the basis of the evidence provided by the petitioner i.e. telephonic conversation recording with Disciplinary Authority, it appears that the Bank's intention was to award harsh punishment to the petitioner against unproved charges.

10. After hearing from both side, the Commission recommends that:

- The Deputy Managing Director, SBI who is the competent authority will review the case in his own level and will decide the case in positive way by taking into consideration of findings of previous Inquiry Officers, orders of Hon'ble High Court of Rajasthan and non availability of substantial evidence from the complainant.
- The petitioner will provide the transcript of the telephonic conversation to the Bank Management under intimation to the Commission for enquiry. The Bank Management will enquire the matter in details and will submit action taken report to the Commission.
- It may also be ensured that no further harassment may be meted out against the petitioner on caste ground so that he could discharge his duties in peaceful manner.
- Action taken report in the matter should be submitted before the Commission within 30 days.

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18.10.18

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. TM/18/2016/MFIN9/SEHRMT/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri S.K. Ratho, Joint Secretary
6. Shri Y.K. Bansal, Research Officer
7. Shri Sudhir Atram, PS to Hon'ble Member
8. Shri H.R. Meena, Sr. Investigator

Officers of State Bank of India

1. Shri Prashant Kumar, Deputy Managing Director & CDO
2. Shri Sibasish Biswas, AGM, PMD, Mumbai.

Petitioner

Shri Tivesh Meena