



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)

Case File No. SK/3/2013/MFIN9/SEHRMT/RU-IV

Dated: 14.02.2019

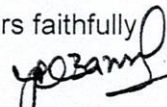
To,

The Chairman cum Managing Director,
Oriental Insurance Company Limited,
Head Office A-25/27, Asaf Ali Road,
New Delhi.

Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 21.01.2019 in the case of Shri Sanjay Kumarawat, Assistant, OICL, Indore, Madhya Pradesh regarding promotion, payment of dues and seniority.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 21.01.2019 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

 (Y.K. Bansal)
 Research Officer

Copy to:

Shri Sanjay Kumarawat,
27-B, Sanjay Nagar,
Behind Anop Talkies,
Indore,
Madhya Pradesh – 452 011.

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SK/3/2013/MFIN9/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 21.01.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI SANJAY KUMRAWAT, ASSISTANT, THE ORIENTAL INSURANCE COMPANY LIMITED, INDORE REGARDING HARASSMENT, NON PAYMENT OF DUES AND DENIAL OF PROMOTION.

Date of sitting: 21.01.2019

List of officers present in sitting is Annexed

The petitioner Shri Sanjay Kumarawat vide his representation dated 19.09.2018 has submitted grievances of harassment, non payment of dues and denial of promotion. He represented that he was working as Assistant in OICL, Indore Branch and his services were terminated illegally. Thereafter, on the intervention of the Hon'ble NCST, his services were reinstated on 14.08.2017. His grievances are that the Hon'ble Commission had passed order on 06.01.2015 for his reinstatement and whereas the OICL Management took 33 months to reinstate him into services on 14.08.2017 as fresh appointee. The OICL Administration has also imposed major punishment of reducing his basic salary w.e.f. 2007 without proving the charges of irregularities against him. Thus, he had got zero salary from 2007 to July, 2017:

No decision on disposal of his deposited provident fund between the years of 1989 to 2006 was taken by the OICL Administration to till date. Therefore, he is facing financial difficulties. He was denied promotion to the post of Sr. Assistant as per 2017 Department promotion policy. He is also second senior most candidate under ST category and having all eligibility criteria. The petitioner has requested the Commission to intervene the matter and redress his grievances of promotion, payment of dues and seniority.

2. As per procedure, a notice for calling for report from the OICL Management was issued on 04.10.2018 and in response to the Commission's notice, the OICL Management vide its letter dated 12.12.2018 has submitted the facts of the case. It has been reported to the Commission that the petitioner Shri Kumarawat was removed from service vide order dated 03.11.2006. Thereafter, he had preferred an appeal dated 13.10.2014 and the same was rejected by the Appellate Authority vide order dated 16.10.2014. Being aggrieved, the petitioner approached the Commission and as per the Commission's recommendations dated 06.01.2015, the petitioner's appeal dated 17.03.2015 was again considered by the Appellate Authority. But the petitioner's appeal was turned down by the Appellate Authority vide order dated 17.08.2015.

The petitioner Shri Kumarawat again approached to the Commission (NCST) and the Commission recommended that the petitioner's appeal may be reconsidered. Accordingly, the petitioner's representation was considered as Memorial and the competent authority i.e., CMD, OICL vide his order dated 26.07.2017 reinstated the petitioner's service. The order dated 26.07.2017 has mentioned that "he may be reinstated with prospective effect and place at the lowest basic pay of Assistant treating the intervening period from the effective date of removal from service till date of effective reinstatement (at the lowest basic of Asst.) as Break in Service."

3. Accordingly, the petitioner had joined his duty on 14.08.2017. Thus the Commission's recommendations were implemented and petitioner's services reinstated. It is further reported



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

that by reinstating the petitioner, no fresh penalty was imposed against him. Thrift and Credit Society works independently. The petitioner did not accept the payment on accumulated PF to the Rs. 70,043/- paid through cheque dated 07.02.2018. Promotion to the Cadre of Sr. Assistants Promotion Exercise-2017, we had taken into consideration his Application. But he could not qualify in the Ranking List based on his marks as per promotion Scheme. Promotion to the Cadre of Sr. Assistant Exercise conducted for Madhya Pradesh & Chhattisgarh Regions combined and Ranking list is drawn taking both regions together.


4. Since the OICL's report was found to be unsatisfactory and therefore, the Hon'ble Chairperson, NCST fixed a Sitting on 21.01.2019 to have a discussion in the matter.

5. The CMD, OICL was called for sitting. But he has sent a request letter dated 12.01.2019 for exemption from appearance and allowing General Manager and Director, OICL to be present in the Sitting. The request was taken on record and accepted. Accordingly, Shri Balwant Singh, General Manager and Director, OICL along with senior officers from OICL appeared. The petitioner was also present.

6. In sitting, the petitioner Shri Sanjay Kumarawat informed the Commission that the Commission's recommendations for reinstatement into services w.e.f. 06.01.2015 was not implemented and after re-intervention of the Commission, he was reinstated to the services w.e.f. 14.08.2017 after passing of 33 months on lowest basic pay of Assistant with prospect to effect. Thus, he got zero salary. His pending PF amount between 1986 to 2006 was not released. He also not considered for next due promotion to the post of Sr. Assistant as per 2017 Departmental Promotion Policy despite having eligibility and senior most candidate under ST category. He requested the Commission to direct the OICL Management to consider his reinstatement w.e.f. 06.01.2015 i.e. date of issuing Commission's recommendations with all consequential benefits, seniority promotion etc.

7. The General Manager, OICL briefed about the case and informed the Commission that as per the Commission's recommendations, the services of the petitioner Shri Kumarawat was reinstated vide order dated 26.07.2017. Regarding delay in consideration for reinstatement, it is informed that as per Commission's order dated 06.01.2015, the petitioner's appeal dated 17.03.2015 was considered and rejected by the Appellate Authority vide order dated 17.08.2015. Thereafter, on receipt of the Commission's further recommendation, the petitioner's representation was again considered as Memorial and taking lenient view, the Appellate Authority, CMD, OICL passed order on 26.07.2017 to reinstate the petitioner's service with prospective effect and placing him at the lowest basic pay of Assistant and also treating intervening period as Break in Service. Thus, the delay in consideration for reinstatement was procedural delay not intentional. The petitioner's pending PF amount will be released soon. Regarding petitioner's promotion, it is stated that his promotion will be considered in positive manner.

8. The case was discussed in detail. The Commission observed that the OICL Management took an excessive period of 33 months to reinstate the petitioner's service after passing of recommendation on 06.01.2015 and 16.10.2015. He was reinstated in service vide order dated 26.07.2017 on the lowest basic pay of Assistant with prospective effect. Thus, he got zero salary from 2006 onwards. However, he should be considered for reinstatement w.e.f. 06.01.2015 or 16.10.2015 i.e. date of issuing Commission's recommendations as because, there was unnecessary procedural delay from OICL Management side. His due promotion has also not been considered. In view of the this, the Commission recommends that:


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

- The OICL Management should consider the petitioner's reinstatement in service w.e.f. Commission's recommendation dated 06.01.2015 or 16.10.2015 with all consequential benefits.
- The petitioner's pending PF dues should immediately released.
- The petitioner's due promotion to the post of Sr. Assistant should be considered.
- An action taken report on the recommendation of the Commission should be submitted within 30 days from the receipt of the Proceedings.

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19-12-019

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SK/3/2013/MFIN9/SEHRMT/RU-IV

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Harshadbhai Chunnilal Vasava, Hon'ble Member
3. Shri Hari Krishna Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Deputy Secretary
8. Shri Y.K. Bansal, Research Officer
9. Shri H.R. Meena, Sr. Investigator

Officers of Oriental Insurance Company Limited.

1. Shri. Balwant Singh, General Manager & Director
2. Smt. Meenakshi Talwar, Deputy General Manager
3. Shri Arvind Saxena, Deputy General Manager
4. Shri Anup Kumar Dutta, Chief Liaison Officer
5. Shri Kamal Ujjaingial, Assistant Liaison Officer

Petitioner

Shri Sanjay Kumarawat.