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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. RPU/2/2019/STGMH/SEOTH/RU-IV

Dated: 27.09.2019

To,

1. **The District Collector,**
District Nagpur,
Nagpur (Maharashtra).
2. **The Commissioner of Labour,**
Government of Maharashtra,
Kamgar Bhawan, 4th floor C-20,
E-Block, Opp. Reserve Bank, Bkc,
Bandra (E), Mumbai-51.
3. **Managing Director,**
Dinshaw's Dairy Foods Pvt. Ltd.,
Boregoan, Gorewada
Road, Gittikhadan,
Nagpur-440013

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 16.09.2019 in the matter of Shri Ramchandra Premchand Uikey, R/o Makardhokda, Katol Road, Nagpur regarding harassment & reinstatement of services of Scheduled Tribe employee in Dinshaw's Dairy Foods Pvt. Ltd, Nagpur.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 16.09.2019 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, 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 Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer(Encl's as above)
Copy to:-

Shri Ramchandra Premchand Uikey,
Village & Post – Makardhokda,
Katol Road, Nagpur-13,
Maharashtra.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RPU/2/2019/STGMH/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 16.09.2019 CHAIRED SMT MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI RAMCHANDRA PREMCHAND UIKEY, R/O MAKARDHOKDA, KATOL ROAD, NAGPUR REGARDING HARASSMENT & REINSTATEMENT OF SERVICE OF ST BY THE DINSHAW'S DAIRY FOODS PVT. LTD.

Date of Sitting: 16.09.2019

List of officers present in sitting is Annexed.

The petitioner Shri Ramchandra Premchand Uikey, R/o Makardhokda, Katol Road, Nagpur vide his representation dated 05.03.2019 has submitted the grievances before the Commission regarding harassment & reinstatement of his service in the Dinshaw's Dairy Foods Pvt. Ltd.

He has submitted that he belongs to ST Gond community and was working as Labour Worker in Dinshaw's Dairy Foods Pvt. Ltd. since 03.02.1989. But, from last two years, the Senior Officers of the Company were harassing to him on caste ground by way of issuing show cause notice and threat to dismiss from service. Finally, after serving 30 years with dedication and sincerely, the Management of Company has dismissed him from service on 28.9.2018. It is to mentioned here that he was not issued any of show cause notice during his previous 30 years service and there were no allegations of irregularities and misappropriation of funds. He had taken leave after submission of leave application. The petitioner requested to the Commission to issue necessary direction for his reinstatement.

2. As per procedure, vide Commission's notice dated 26.03.2019, a report was sought from the District Collector, Nagpur and the Commissioner of Labour, Maharashtra. Thereafter, the District Collector, Nagpur has submitted a report that on the allegations levelled by the petitioner, a team headed by Government Labour Officer visited the establishment of M/s Dinshaw's Dairy Foods Pvt. Ltd., MIDC Industries Area, Butibori, District Nagpur. But the said industry was closed for maintenance purpose. However, one Shri Shubham Ghatole, HR executive was present. Enquiry about Shri Ramchandra Uikey made from him reveals that Shri Ramchandra Uikey was working in Dairy Products Department of Dinshaw's Dairy Foods Pvt. Ltd. MIDC Industrial Area, Butibori, District Nagpur since 03.02.1989 as permanent labour. As Shri Ghatole did not have detailed information about the said worker Shri Ramchandra Uikey, he was directed by the inspection team to remain present in its office on 13.06.2019 along with requisite information. Accordingly, on 13.06.2019 Shri Ramamurthy, Manager HR of the said company remained present and the details of information submitted by him are as follows.


Smt. Maya Chintamn Ivnate
Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Shri Ramachandra Uikey only joined as permanent labour in diary department of Dinshaw's Dairy Foods Pvt. Ltd., MIDC Industries Area, Butibori on 03.02.1989. He used to remain absent from time to time from duties without giving prior intimation. Despite instruction by the company from time to time about his absence, there was no improvement and, therefore, the company management issued charge sheet to him on 14.11.2018. However, since the explanation given by the said labour to the charge sheet so issued was not satisfactory the management appoint Adv. Yogesh Dharashivkar as Enquiry Officer for conducting the enquiry against the said labour vide letter dated 15.11.2018. The concerned Enquiry Officer conducted domestic enquiry and submitted enquiry report to the Company management on 14.03.2019. On the basis of enquiry report submitted by the Enquiry Officer, the Company management dismissed Shri Ramchandra Uikey, labour vide order dated 29.03.2019. A copy of the charge sheet, a copy of letters directing the said labour to remain present during enquiry process, enquiry report and also the dismissal order of the said labour are annexed herewith for kind information and perusal.


After dismissal of Shri Ramchandra Uikey by the Company management, cheque amounting Rs. 3193/- towards final payment and Rs. 1,75,267/- towards gratuity through kept ready have not been accepted by the concerned labour. It is submitted that if the labourer is aggrieved by the said order he can avail remedy under law by challenging the said order of dismissal before the Competent Court of Law.

3. As the Department's report was found to be unsatisfactory and therefore, the Hon'ble Member, Smt. Maya Chintamn Ivnate, NCST fixed a Sitting on 16.09.2019.

4. As per schedule the Sitting was held on 16.09.2019. On behalf of the District Collector, Nagpur and Commissioner of Labour, Maharashtra, Additional Commissioner of Labour, Nagpur, along with Govt. Labour officer and Manager, Dinshaw's Dairy Foods Pvt. Ltd. appeared. The petitioner was also present.


5. In sitting, the petitioner has submitted his grievances of caste based harassment and forcefully dismissal from service. Thereafter, the representative of Company management submitted that the petitioner's service was terminated on the ground of unauthorizedly absent from duty. However, the petitioner's matter is pending before the Commissioner of Labour and whatever decision would be taken by the Labour Department, the same will be complied.

The Additional Commissioner, Labour informed the Commission that as per provisions of Industrial Dispute Act, 1947 are applicable to the said company, the complainant was advised to file the dispute before the Conciliation Officer of this office regarding his demand of reinstatement with full back wages with continuity of service under Section 2(A) of the Industrial Dispute Act, 1947. Accordingly, the complainant has filed intervention letter on 22.08.2019 and the conciliation proceedings have been started in the matter. The next date of conciliation has been scheduled on 24.09.2019 in the office of the Additional Commissioner of Labour, Nagpur. If conciliation fails in the matter the dispute will be referred to the Labour Court for adjudication.


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6. The case was discussed in detailed. The Commission observed that the petitioner was harassed on caste basis. He had served the Company for last 30 years and there were no case of irregularities. However, his services was terminated on the ground of absence from service without considering his defence documents. The Commission noted that the matter is under consideration before the Labour Commissioner. Hence, the Commission recommends that the District Collector, Nagpur and Commissioner of Labour may issue necessary directions to the Company management to reinstate the service of petitioner with full back wages and with continuity of service under Section 2(A) of the Industrial Dispute Act, 1947.

7. An action taken report on the Commission's recommendations should be submitted to the Commission within 30 days on receipt of the procedure.


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Annexure

(File No. RPU/2/2019/STGMH/SEOTH/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In Chair)
2. Shri P.T. Jameskutty, Consultant
3. Shri Y.K. Bansal, Research Officer
4. Shri S.K. Atram, PS to Hon'ble Member (MCI)

Officers of Government of Maharashtra and Dinshw's Dairy Foods Pvt. Ltd.

1. Shri Vijaykant Panbude, Additional Commissioner of Labour, Nagpur
2. Shri Ramamurthy Ponaganti, Manager, ER/IR, Dinshaw's Dairy Foods Pvt. Ltd.
3. Shri Santosh G. Koket, Government Labour Officer, Mumbai
4. Shri Rahul R Kule, Government Labour Officer, Nagpur

Petitioner

Shri Ramachandra Premchand Uikey